

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(@ Special Leave to Appeal (C) No(s). 38256/2025)

E. ANITHA

APPELLANT(S)

VERSUS

THE UNION TERRITORY OF PUDUCHERRY & ORS. RESPONDENT(S)

O R D E R

1. Delay condoned.
2. Leave granted.
3. The appellant lays challenge to the judgment dated 21.03.2025 passed by the High Court of Madras, whereunder the appellant's prayer for recognising her origin as Puducherry based on the documents has been turned down and rejection of her application for issuance of a most backward caste certificate that she is not a resident of Puducherry as affirmed by the Sub Collector has been affirmed by virtue of which the benefit of reservation in the employment as per the notification issued in the extraordinary gazette bearing No.132/GOM/15/SWS/2019-20 dated 08.08.2019 has been held as not accruing to the benefit of the appellant. The learned High Court has further held that there is a marked distinction between general community certificate and community certificate for purposes of

reservation in public employment. The High Court has also opined that in exercise of extraordinary jurisdiction, the disputed question of facts cannot be a subject matter of scrutiny *vide* paragraph 12 of impugned order.

4. We have heard learned advocates appearing for the parties. It is the contention of learned counsel for the appellant that appellant was born in Puducherry and has been continuously and permanently and uninterruptedly residing in Union Territory since 1997 and denial of a community certificate on the ground that her origin is not Puducherry is arbitrary and illegal. He further contends that order of the Sub-Collector dated 21.03.2024, annexure P-18 suffers from patent illegality since it has not considered the fact that revenue authorities had issued a community certificate to the appellant way back in 2010 and 2022 after carefully and meticulously verifying her residential status and arrived at a conclusion that she ordinarily resides in Puducherry and belongs to the Most Backward Class. Amongst other grounds as urged in the writ petition before the High Court which is reiterated herein, the learned counsel appearing for the appellant prays for the appeal being allowed.

5. Per contra, Ms. Anika Bansal, learned counsel appearing for the respondent along with Mr. Aravindh S,

learned counsel appearing for the respondent-UT would support the impugned order and contend that there is a trend of adjacent State residents namely the resident of Tamil Nadu taking undue advantage of the border and are making false claims and it is for this reason, the revenue authorities though issued the certificate initially has been scrutinised, examined and on factual examination found that claim of the appellant is hollow and as such her prayer for issuance of community certificate has been rightly rejected as such, they pray for dismissal of this petition.

6. Having heard the learned advocates appearing for the parties and on perusal of the impugned order as well as the documents appended to the appeal, we find that undisputedly appellant was born in Puducherry and she studied from Class-I upto Class-XII at Puducherry and thereafter her degree and post-graduation has been completed in Puducherry from 2002 to 2018. In fact, she has worked in Shree Narayana Institute of Medical Sciences at Puducherry and certificate to that said effect dated 06.06.2018, annexed P-10 has also been furnished. On 11.03.2019, she has got married to one Seviyan who is also a permanent domicile of Puducherry.

7. For determining the status of persons who have migrated from the other States, the cut of date has been fixed as 09.02.2001 for determining other backward

class (OBC) in Union Territory of Puducherry by issuance of the extraordinary gazette notification dated 08.08.2019 referred to *supra*. By virtue of the same, the appellant also relying upon the guidelines for issuance of residence certificate sought for issuance of community certificate and she was issued with the same on 12.09.2022 certifying that she belongs to 'Hindu Vanniar' community which is recognised as a backward class under the gazette notification as well as the resolution of Union Territory dated 12.03.2007.

8. When this was the factual position, in the year 2024, the Directorate of Health & Family Welfare Services issued an advertisement for filling up the post of Staff Nurse for which the appellant applied and infact sought for issuance of nativity certificate from the Deputy Tehsildar which came to be issued on 04.03.2024 certifying that she has been staying in the Union Territory of Puducherry preceding the date of the certificate. However, the Tehsildar cum Executive Magistrate, Taluk office, Puducherry rejected the application for issuance of a caste certificate stating that her father is a resident of Villupuram District, Tamil Nadu and her birth certificate and school records reflects Tamil Nadu address as a place of residence, on a doubt being raised that there is no proper evidence which would reflect that she is a resident of Union

Territory and to claim MBC (origin), the caste certificate was not issued. Appeal challenging the said rejection was not successful or in other words appeal came to be dismissed and the same was confirmed by the High Court in the writ petition which was filed by the appellant.

9. The fact that appellant was born in Puducherry on 30.10.1994 is evident from the records and also the fact relating to her schooling and college being in Puducherry is not seriously disputed. Even assuming for a moment's sake that appellant's father was a resident of Tamil Nadu at a given point of time, if having migrated to Puducherry in search of Greener pastures, the legitimate right of the appellant cannot be truncated or in other words her claim for issuance of MBC certificate cannot be denied. Merely because the father had given her address as Tamil Nadu in the birth certificate though she was born in Puducherry would not change her status of being domicile of Puducherry.

10. We are also fortified by the fact that the schools and colleges in which the appellant had studied is mostly government schools and colleges. Hence, we find no justifiable reason to disbelieve the contents of the said certificates. As such, the doubt expressed by the Deputy Tehsildar to deny the caste certificate was unfounded. It is no doubt true that in writ

jurisdiction, the High Court would not examine the disputed questions of fact. However, when the facts are not in dispute, the High Court cannot shut its eyes or feign ignorance of the same and deny the legitimate right of an applicant. In the facts obtained in the present case as discussed in detail hereinabove, we are of the considered view that authorities as well as the High Court fell in error in denying the legitimate claim of the appellant for issuance of the Most backward caste certificate. Hence, we allow this appeal, set aside the impugned order and restore the certificate dated 04.03.2024 issued by the Deputy Tehsildar and direct the Tehsildar-cum-Executive Magistrate, Taluk office, Villianur, Puducherry to issue the Most Backward Certificate (Origin) to the appellant expeditiously and at any rate within a period of two months from today. We make it clear that this order is passed in the facts obtained in the present case only. There shall be no order as to costs.

.....J
[ARAVIND KUMAR]

.....J
[PRASANNA B. VARALE]

New Delhi;

February 4, 2026.

ITEM NO.15

COURT NO.16

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s).
38256/2025

[Arising out of impugned final judgment and order dated
21-03-2025 in WP No. 8685/2024 passed by the High Court
of Judicature at Madras]

E. ANITHA

Petitioner(s)

VERSUS

THE UNION TERRITORY OF PUDUCHERRY & ORS. Respondent(s)

IA No. 324263/2025 - CONDONATION OF DELAY IN FILING
IA No. 324255/2025 - CONDONATION OF DELAY IN REFILING /
CURING THE DEFECTS
IA No. 324260/2025 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT
IA No. 324261/2025 - EXEMPTION FROM FILING O.T.
IA No. 324258/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 04-02-2026 This matter was called on for hearing
today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For appellant(s) :Mr. Sivagnanam Karthikeyan, Adv.

Ms. Ira S Mahajan, Adv.

Ms. Charita Singh, Adv.

Mr. Mg Aravind Ra, Adv.

Mr. Tushar Giri, AOR

Mr. Siddharth Anil Khanna, Adv.

Mr. Ritik Arora, Adv.

Mr. Shivam Mishra, Adv.

Ms. Pragati Kumari, Adv.

For Respondent(s) :Mr. Aravindh S., AOR

Ms. Anika Bansal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

1. Leave granted.
2. The appeal stands allowed in terms of the signed order which is placed on file.
3. Pending application(s), if any, shall stand disposed of.

(MOHD IBRAHIM)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)