

In the High Court of Judicature at Madras

Dated : 21.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

The Honourable Ms.Justice K.B.K.VASUKI

Writ Petition No.11560 of 2015

S.Theerthagiri

...Petitioner

Vs.

The Revenue Divisional Officer,
Harur, Dharmapuri District.

...Respondent

PETITION under Article 226 of The Constitution of India praying for issuance of a Writ of Mandamus directing the respondent to issue community certificate to the children of the petitioner viz. Minor T.Rachana and Minor Girish Hari.T that they belong to 'Kurumans (ST) community" based upon the proceedings of the State Level Scrutiny Committee passed in proceedings No.21287/CVIII/2013 dated 24.3.2014.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.R.Rajeswaran, SGP

Order of the Court was made by V.Ramasubramanian, J

The petitioner, who was issued with a community certificate, is employed as an Engineer in Bharat Heavy Electricals Limited. When the genuineness of the petitioner's community certificate was doubted, the State

Level Scrutiny Committee enquired into the matter and in the enquiry held, came to the conclusion that the petitioner belongs to Hindu Kurumans (ST) community and that the community certificate held by the petitioner is a genuine one. Based on the finding given by the State Level Scrutiny Committee, the petitioner approached the respondent as early as 19.4.2014 to issue similar community certificates to his children. However, the respondent, so far, has not issued such a certificate, forcing the petitioner again to come up with the above writ petition.

2. Heard Mr.S.Doraisamy, learned counsel for the petitioner. Mr.R. Rajeswaran, learned Special Government Pleader takes notice for the respondent.

3. The respondent ought to have ensured that the petitioner is not driven to the necessity of approaching this Court. It was the duty of the respondent to ensure that the order of the State Level Scrutiny Committee was complied with, without any necessity for the petitioner to approach this Court.

4. The learned Additional Government Pleader contended that the respondent is entitled to conduct an enquiry and pass orders.

5. But, we do not know as to how the respondent can now conduct a super enquiry to come to a conclusion other than the conclusion reached by the State Level Scrutiny Committee. The respondent is bound by the proceedings of the State Level Scrutiny Committee.

6. Accordingly, the writ petition is allowed directing the respondent to consider the application of the petitioner dated 19.4.2014 based on the conclusion arrived at by the State Level Scrutiny Committee and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

21.4.2015

Internet : Yes

To
The Revenue Divisional Officer, Harur, Dharmapuri District.

RS

V.RAMASUBRAMANIAN,J
AND
K.B.K.VASUKI,J

RS

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