

In the High Court of Judicature at Madras

Dated : 20.4.2015

Coram :

The Honourable Mr.Justice V.RAMASUBRAMANIAN

and

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

Writ Petition No.11338 of 2015

D.Arumugam

...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 A.Sudharshini and Minor A.Dhanushree that they belong to 'Kurumans (ST) community" based upon the proceedings of the State Level Scrutiny Committee passed in proceedings No.16021/CVIII/2013 dated 21.11.2013.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Rajeswaran, SGP

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

The petitioner is employed as a driver in the Airport Authority of India, Chennai. The genuineness of the petitioner's community certificate was doubted. When A notice was issued by the District Level Vigilance Committee, the petitioner had come up this Court by filing W.P.No.10907 of 2012 challenging the notice. This Court, by order dated 18.4.2012, in the said writ petition, held that the District Level Vigilance Committee has no jurisdiction to issue such a notice and in turn, directed the State Level Scrutiny Committee to enquire into the matter. Thereafter, in the enquiry held, the State Level Scrutiny Committee 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 23.5.2014 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. In the earlier round of litigation, the petitioner had come up with W.P.No.10907 of 2012 to quash the notice issued by the District Level Vigilance Committee. This Court, while disposing of the said writ petition, passed an order directing the State Level Scrutiny Committee to verify the status of the petitioner. Accordingly, the State Level Scrutiny Committee conducted an enquiry and came to the conclusion that the petitioner belongs to Hindu Kurumans, a scheduled tribe community.

4. Therefore, the respondent ought to have ensured that the petitioner is not driven to the necessity of another round of litigation before 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.

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

6. 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.

7. Accordingly, the writ petition is allowed directing the respondent to consider the application of the petitioner 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.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer, Harur, Dharmapuri District.

1 cc to M/s.S.Doraisamy ,Advocate, SR.No.21320

RS

WP.No.11338 of 2015

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