

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN

AND

THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Writ Petition No.12128 of 2015

P.Sakthivel

.. Petitioner

Vs.

The Revenue Divisional Officer,
Harur, Dharmapuri District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the children of the petitioner, viz., Minor V.S.Tharun and Minor V.S.Sri Lochanaa that they belong to "Kurumans (ST) Community" based upon the proceedings of the State Level Scrutiny Committee passed in Proceedings No.12227/CVIII/2007, dated 17.12.2013.

For petitioner : Mr.S.Doraisamy

For respondent : Mr.R.Rajeswaran, Spl.G.P.

ORDER

(The Order of the Court was made by V.Dhanapalan,J)

Heard Mr.S.Doraisamy, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader, who took notice for the respondent.

2. This Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondent to issue Community Certificate to the children of the petitioner, viz., Minor V.S.Tharun and Minor V.S.Sri Lochanaa that they belong to "Kurumans (ST) Community" based upon the proceedings of the State Level Scrutiny Committee passed in Proceedings No.12227/CVIII/2007, dated 17.12.2013.

3. In similar matters, this Court in W.P.No.10993 of 2015, order dated 16.04.2015 and W.P.No.10687 of 2015, order dated 13.04.2015, allowed the Writ Petition, with a direction to the respondent therein to follow the direction issued by the State Level Scrutiny Committee and pass appropriate orders, within a certain period.

4. In this case, the petitioner claims that he is a native of

Pappireddipatti in Dharmapuri District and belongs to Hindu Kurumans Community, which is classified as a Scheduled Tribe Community. He obtained the Community Certificate from the respondent on 28.08.1994 and at present, he is working as Manager in the Food Corporation of India, where he has been in employment since 1997. The petitioner's employer sent his Community Certificate for verification to the District Level Vigilance Committee, Dharmapuri District, in which, notice was issued for enquiry. In view of G.O.(2D).No.108, Adi Dravidar and Tribal Welfare Department, dated 12.09.2007, the State Level Scrutiny Committee alone has the power to verify the genuineness of the Community Certificate of Scheduled Tribes and hence, his enquiry papers were forwarded to the State Level Scrutiny Committee by the District Level Vigilance Committee. On 25.11.2013, the State Committee issued notice to the petitioner to appear for the enquiry and after enquiry, the State Committee gave its findings and passed orders on 17.12.2013 in Proceedings No.12227/CVIII/2007, as follows:

"4. The State Level Scrutiny Committee have carefully examined the original records, oral statement of the individual, the views of the Anthropologist and the enquiry report of the present Revenue Divisional Officer, Harur, Dharmapuri District. After careful examination, the Committee have unanimously decided that Thiru P.Sakthivel, S/o Thiru.S.M.Ponnusamy belongs to Hindu 'Kurumans' Scheduled Tribe Community. Accordingly, the State Level Scrutiny Committee hereby confirms that the Hindu 'Kurumans' Scheduled Tribe Community Certificate bearing Sl.No.2640514, dated 30.08.1994 to Thiru P.Sakthivel, S/o Thiru S.M.Ponnusamy by the Revenue Divisional Officer, Dharmapuri residing at No.86, S.R.B.Nagar, 8th Street, Kolathur, Chennai-99, is a genuine one."

5. Based on the above findings of the State Level Scrutiny Committee, the petitioner, along with a copy of his Community Certificate as well as the said proceedings of the State Committee and all other relevant documents, applied for issuance of Community Certificate to his children, named above, which was received by the respondent on 23.12.2014 and no orders are yet passed on the same and the matter is still kept pending. Hence, the petitioner has filed the above Writ Petition for the relief stated above.

6. Since as stated above, in similar matters, this Court has considered the prayer of the petitioner therein and since in this case, the State Level Scrutiny Committee conducted an enquiry and passed orders on 17.12.2013, as stated supra, holding that the petitioner belonged to Hindu Kurumans community, which is classified as a Scheduled Tribe and that as the State Level Scrutiny Committee also, by the said order, confirmed the genuineness of the Community Certificate already issued to the petitioner, the respondent ought

to have ensured that the petitioner is not driven to this Court by filing a Writ Petition, as it is the duty of the respondent to ensure that the said order of the State Level Scrutiny Committee is taken into consideration and necessary Community Certificates are issued to the petitioner for his children, without any necessity for the petitioner to approach this Court. The respondent cannot conduct any super enquiry to come to a conclusion other than the one reached by the State Level Scrutiny Committee, while he issues the Community Certificates to the children of the petitioner.

7. Accordingly, the Writ Petition is allowed, with a direction to the Revenue Divisional Officer, Harur, Dharmapuri (respondent herein) to pass appropriate orders, on the representation of the petitioner seeking issuance of Community Certificates to his children named above, to the effect that they also belong to Hindu Kurumans community, which is classified as a Scheduled Tribe, by duly taking into consideration the proceedings of the State Level Scrutiny Committee, dated 17.12.2013, as quoted above, within a period of four weeks from the date of receipt of a copy of this order, if the said representation is still kept pending and the Community Certificates are not yet issued to the petitioner's children. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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Copy to

The Revenue Divisional Officer,
Harur, Dharmapuri District.

+1 CC to Mr.S.Doraisamy, Advocate SR 22380

+1 CC to Government Pleader, SR 22088

KGK(CO)
PKS : 20/05/2015

W.P.No.12128 of 2015

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