

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-7-2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.13723 of 2015

P. Sakthivel

.. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to issue community certificate to the children of the petitioner viz., I.S.Ashwitha and S.Karun Kumar that they belong to "Kurumans (ST) community based upon the proceedings of the State Level Scrutiny Committee passed in Proceedings No.9280/CVIII/2014, dated 4.2.2015 and based upon the community certificate possessed by the entire family of the petitioner.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr. R. Rajeswaran
Special Government Pleader

O R D E R

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr.R. Rajeswaran, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. It is the case of the petitioner that he belongs to Kurumans community, which is classified as a Scheduled Tribe community and he obtained community certificate to that effect from

the respondent as early as on 29th December, 1994. In his school records and also in the service register, his community is entered as 'Kurumans'. Petitioner claims that his wife Uma Maheswari is also holding a community certificate dated 3rd June, 2009, issued by the Revenue Divisional Officer, Harur, stating that she belongs to 'Kurumans', a Scheduled Tribe community, and his brothers and sister were also issued with similar community certificates.

3. The petitioner made an application to the respondent on 16th October, 2013 seeking community certificate for his children S.Ashwitha and S.Karun Kumar enclosing necessary documents and the Tahsildar also conducted enquiry on the said application and submitted his report.

4. It is the further case of the petitioner that the genuineness of the Community certificate issued to the brother of the petitioner viz., P.Kumar was examined by the State Level Scrutiny Committee and on 4th February, 2015 it was found that the same was genuine. Relying the same, petitioner made an application to the respondent on 4th April, 2015 seeking community certificate for his children, but till date no such certificate was issued, thus the instant writ petition came to be filed.

5. We have been repeatedly observing that a community comprises not only of the members of the family, but also members of the same group or tribe. The children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children are also entitled to similar certificate. The respondent has no authority to doubt the certificates issued by the competent authority in favour of the parents, unless the same is set aside or modified by the higher authority, i.e, the State Level Scrutiny committee.

6. For the reasons stated above, we direct the respondent to issue necessary community certificates to the children of the petitioner forthwith, preferably within a period of one week from the date of receipt of copy of this order. The writ petition stands disposed of accordingly. No costs.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

vr

To

The Revenue Divisional Officer, Dharmapuri District,
Dharmapuri.

+ 1 cc to Mr. S. Duraisamy (SR.36004)
+ 1 cc to Government Pleader (SR.35963)

W.P. No.13723 of 2015

(CO)
YJ 24.07.15



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