

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14/09/2015

C O R A M:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. Nos.14422 and 14423 of 2015

B. Tamilmani

Petitioner in both the petitions

Vs

The Revenue Divisional Officer
Harur
Dharmapuri District.

Respondent in both the petitions

Prayer in W.P.No.14422 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in Pa.Mu.7872/2010 (A1) dated 13/4/2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the son of the petitioner viz., Rohith that he belongs to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his wife and close blood relatives.

Prayer in W.P.No.14423 of 2015: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in Pa.Mu.7869/2010 (A1) dated 13/4/2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the daughter of the petitioner viz., Bhavatharini that she belongs to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his wife and close blood relatives.

For petitioner
in both the WPs Mr.S.Doraisamy
For respondent Mr.N.Sakthivel
in both the WPs Government Advocate

C O M M O N O R D E R

(delivered by SATISH K. AGNIHOTRI, J.,)

With the consent of the parties, the writ petitions are taken up for final disposal.

2 Assailing the legality and validity of two proceedings of even date, viz., 13 April 2015, by which the petitioner's application for issuance of Kurumans (ST) community certificate to his son and daughter viz., Rohith and Bhavatharini, was rejected by the respondent, the instant writ petitions are filed.

3 The learned counsel for the petitioner submits that the impugned orders have been passed without examining the fact that the community status of the petitioner that he belongs to Kurumans (ST) community has been verified and confirmed by the State Level Scrutiny Committee in its proceedings dated 03 December 2014. Relying on the decisions dated 03 August 2014 rendered by this Court in W.P. Nos.23464 and 23468 of 2015, the learned counsel further contends that once community certificate has been granted to father and the same has been verified and confirmed by the State Level Scrutiny Committee, the competent authority has no jurisdiction and competence to deny the same to his children, if the relationship of the father and his children is established.

4 In response, the learned Government Advocate submits that vide proceedings dated 03 December 2014, the State Level Scrutiny Committee has confirmed that the petitioner belongs to Kurumans (ST) community. Thus, the impugned orders may be set aside, granting liberty to the respondent to consider the petitioner's application afresh and take a decision in the light of various documents, including the proceedings dated 03 December 2014 of the State Level Scrutiny Committee, referred to above.

5 In view of the aforesaid submission made by the learned Government Advocate, we are not inclined to express any opinion on the merits of the case. The impugned orders dated 13 April 2015, as pleaded by the learned Government Advocate, are set aside and the respondent is directed to consider the petitioner's application, as aforestated and also following the guidelines as laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, within a period of six weeks from the date of receipt of a copy of this order.

1 (1994) 6 SCC 241

6 The writ petitions stand disposed of accordingly. No costs.

-s/d-
Assistant Registrar (Records)
dt:29/09/2015

True Copy

Sub-Assistant Registrar

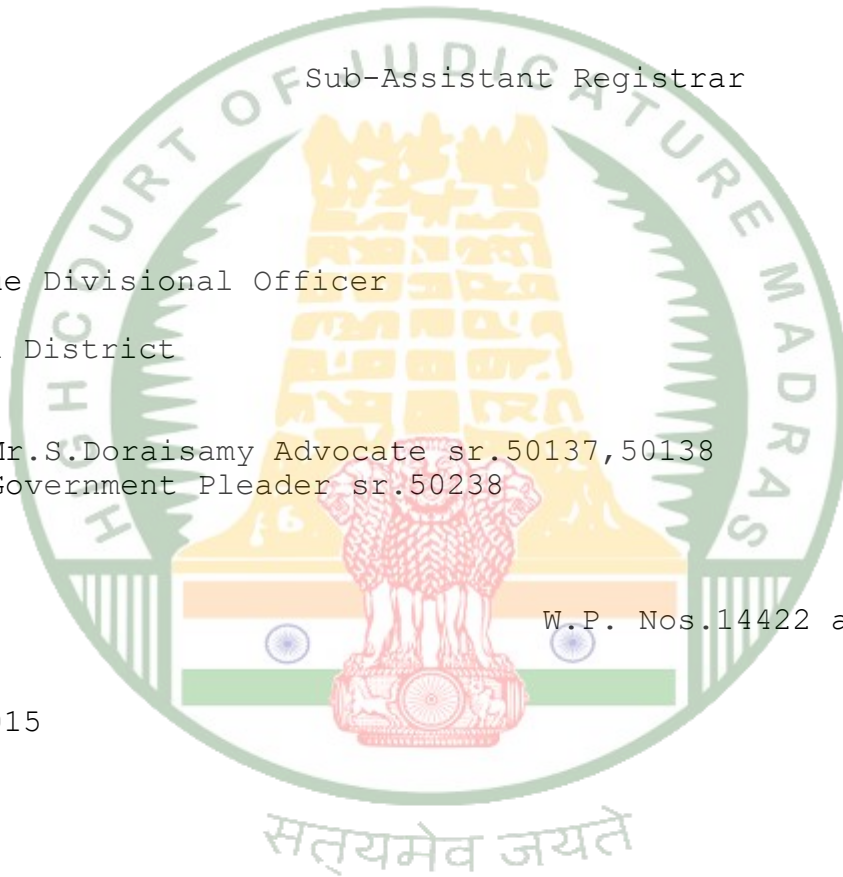
To

The Revenue Divisional Officer
Harur
Dharmapuri District

+1 cc to Mr.S.Doraisamy Advocate sr.50137,50138
+1 cc to Government Pleader sr.50238

W.P. Nos.14422 and 14423 of 2015

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