

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-7-2015

CORAM:

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

W.P. No.14591 of 2015

M. Veerapathiran .. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District .. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari and Mandamus calling for the records relating to the order of rejection passed in proceedings in Na.Ka.2360/2014/A4, dated 31.12.2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children viz., V. Rajasekar and V. Roja that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his close blood relatives.

For Petitioner : Mr.V. Elangovan

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. The petitioner, claiming to be a member of Kurumans (ST) community, has made an application on 09.04.2014 to the respondent seeking issuance of such community certificate to his children viz., V. Rajasekar and V. Roja. The inaction of the respondent led to filing of W.P.No.27054 of 2014, which was disposed of on 13.10.2014 directing the respondent to pass orders on petitioner's application dated 09.04.2014 within a period of eight weeks. In spite of that no order was passed by the respondent, and hence the petitioner made

another application on 09.12.2014 enclosing documents in support of her claim. The said application was rejected by the respondent vide the impugned order dated 31.12.2014, which is under challenge in the instant writ petition.

3. From a perusal of the materials available on record, it is seen that the petitioner, his cousin and his sister's son were issued with community certificates on 07.04.1994, 21.06.1994 and 15.06.1996 respectively by the respondent herein stating that they belong to Kurumans (ST) community, and as such petitioner's children are also entitled get such community certificates.

4. We have been repeatedly observing that a community comprises not only of the members of the family, but also the members of the same group or tribe. In the case on hand, when the respondent himself issued community certificates to the close relatives of the petitioner, recognising their community as Kurumans (ST) community, petitioner's children are also entitled to get such community status.

5. The community certificates issued by the competent authority in favour of the petitioner, his cousin and sister's son are not doubted. The other competent authority, while considering the application for the grant of similar community certificate to the children, has no competence to ignore the proper certificates issued in favour of the close relatives of the children, unless the same are set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee. If the competent authority has any doubt about the genuineness of the community certificate, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee and not to take contrary stand, without appropriate order passed by the State Level Scrutiny Committee.

6. For the reasons stated above, the impugned order dated 31.12.2014 is set aside. The respondent is directed to consider the matter afresh and take a decision in view of the observations made herein above, within a period of four weeks from the date of receipt of copy of this order. The writ petition stands disposed of accordingly. No costs.

WEB COPY
-s/d-
Assistant Registrar

Ture Copy

Sub-Assistant Registrar

ra

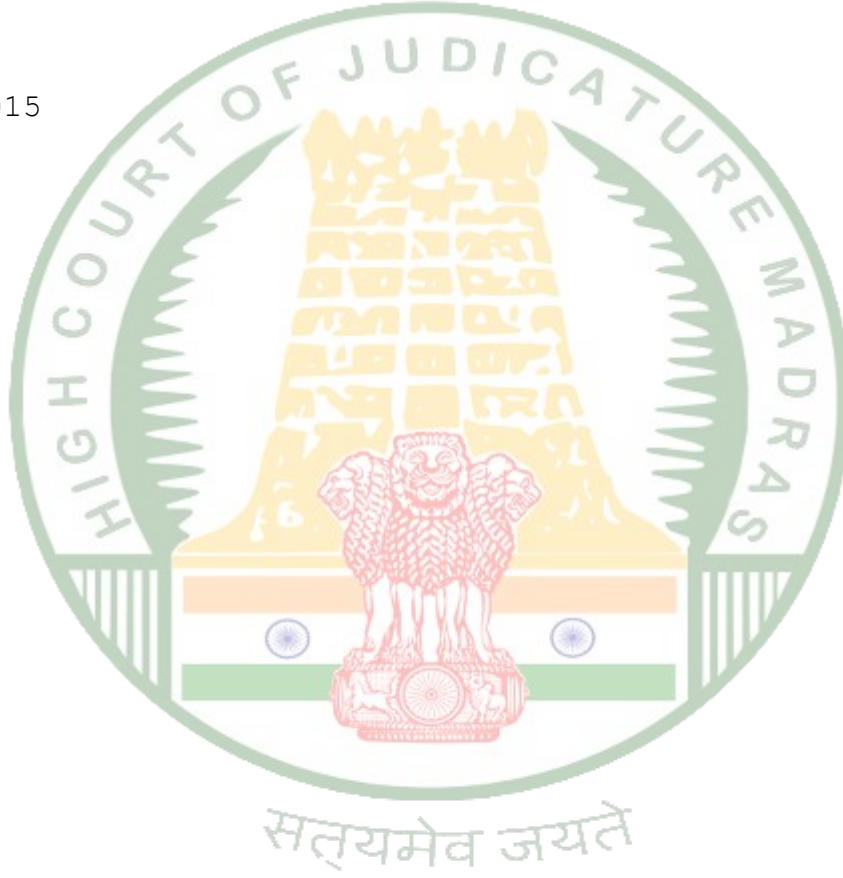
To

The Revenue Divisional Officer, Dharmapuri District,
Dharmapuri.

+1 cc to Mr.S.Duraisamy Advocate sr.37398

W.P. No.14591 of 2015

aa05/08/2015



WEB COPY