

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM

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

W.P. No.17413 of 2015

P.Uma

... Petitioner

Vs.

1. The Revenue Divisional Officer
Dharmapuri District

2. The Director of Tribal Welfare
Chennai 600 005

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order bearing No.Na.Ka.4381/2015/A4 dated 10.6.2015 passed by the first respondent and quash the same and to direct the first respondent to reconsider the application of the petitioner dated 17.09.2014 for issuance of community certificates to the petitioner's children, viz., Gopipriya, Priyanka and Srinivasan on the basis of the cultural report on Kurumans sent by the second respondent vide his letter dated 18.2.2015 to respondent No.1

For petitioner : Mr. M. Radhakrishnan

For respondents : Mr. R. Rajeswaran
Special Government Pleader

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ORDER

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

Assailing the legality of the order dated 10.6.2015, whereunder the application of the petitioner for grant of Kurumans Scheduled Tribe community certificate to her children, was rejected, the petitioner has come up with this writ petition.

2. The petitioner made an application before the first respondent, seeking for Kurumans Scheduled Tribe community certificate for her three children. The first respondent, by the impugned order dated 10.6.2015, rejected the application of the petitioner, stating that the petitioner's husband had obtained Kurumba community certificate and his school records shows that he belongs to Kurumba MBC community and the petitioner has not produced any other relevant documents to prove her claim.

3. The issue as to whether Kurumba, Kurumbar and Kurumba Kounder are Kurumans, came up for consideration before a Division Bench of this Court in W.P.Nos.25963 and 25964 of 2013 on 25.11.2013 (E.Mani and another Vs. The Revenue Divisional Officer, Tiruvannamalai), wherein the Director of Adi Dravidar and Tribal Welfare Department was directed to consider various reports and take the final decision on the issue.

4. It is stated that the second respondent had submitted the cultural report, dated 18.02.2015 on Kurumans, which was circulated to all Revenue Divisional Offices for the purpose of identifying Kurumans Scheduled Tribe and also for the issuance of community certificate accordingly. The petitioner seeks fresh consideration by the first respondent on the basis of the cultural report circulated under covering letter dated 18.02.2015.

5. On perusal of the impugned order, it is noticed that the first respondent has not examined the cultural report while considering the application of the petitioner and discarded the community certificate granted to the relatives. In that view of the matter, we are of the view that the impugned order deserves to be set aside. Accordingly, the impugned order dated 10.6.2015 is set aside with a direction to the first respondent to examine the application afresh in the light of the aforesaid cultural report and also other relevant documents produced by the petitioner and pass a fresh order on merits and in accordance with law.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vvk

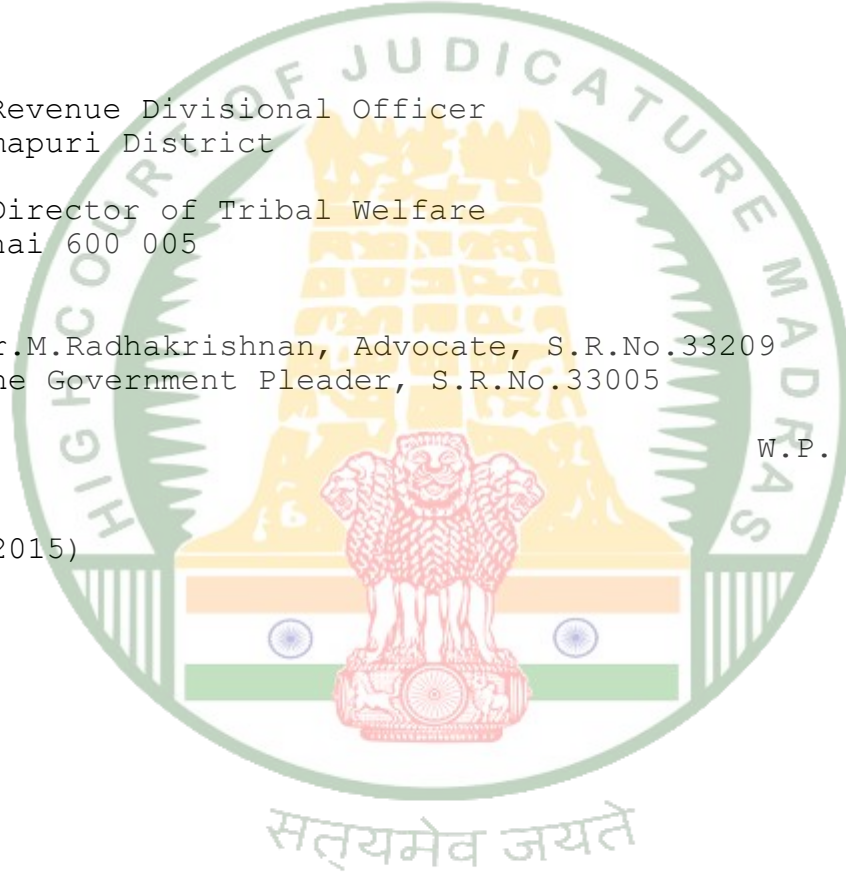
To

1. The Revenue Divisional Officer
Dharmapuri District
2. The Director of Tribal Welfare
Chennai 600 005

+1cc to Mr.M.Radhakrishnan, Advocate, S.R.No.33209
+1cc to the Government Pleader, S.R.No.33005

W.P. No.17413 of 2015

SCD(CO)
CA(10/07/2015)



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