

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2015

CORAM:

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

W.P. No.18053 of 2015
and
M.P. No.1 of 2015

R. Mahendran

...Petitioner

Vs.

The Revenue Divisional Officer
Harur
Dhramapuri District

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relating to the order of rejection passed in proceedings in Pa.Mu.7864/2010 (A1) dated 13.04.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the daughter of the petitioner, viz., M. Harini that she belongs to Kurumans (ST) community based upon the community certificate already issued to the family members of the petitioner.

For petitioner : Mr. S. Doraisamy

For respondent : Mr. R. Rajeswaran
Special Government Pleader

ORDER

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

By this writ petition, the petitioner assails the legality and validity of the order dated 13.04.2015, wherein, his application for issuance of Kurumans (ST) community certificate to his daughter, S. Harini, has been rejected by the respondent.

2 The respondent has rejected the petitioner's application for issuance of community certificate to his daughter, after due examination, holding that on verification of the documents submitted by him and on inspection of his culture, custom and habits, it is found that he belongs to Kurumba community and that the documents and evidence produced by him in support of his claim that he belongs to Kuruman community were obtained on giving false information.

3 At this juncture, it is pertinent to note that a Division Bench of this Court, in the order dated 25.11.2013 in E. Mani and E.Sampath vs. the Revenue Divisional Officer, Tiruvannamalai (W.P. Nos.25963 and 25964 of 2013), has held that Kuruman and Kurumba communities are synonymous to each other. In such view of the matter, the respondent is under an obligation to consider the said observation made by the Division Bench of this Court.

4 In the case on hand, the petitioner has obtained community certificate which has not been doubted. Further, the said certificate is neither modified nor set aside by a superior authority and as such, the same has attained finality. Thus, if the community certificate issued in favour of the petitioner is by a competent officer and the same has not been declared as bogus, the said community certificate cannot be ignored. In fact, the said community certificate forms a basis for grant of community certificate to the petitioner's children, including his daughter.

5 In that view of the matter, the impugned rejection order dated 13.04.2015 is liable to be set aside and the same is accordingly set aside. The matter is remitted back to the respondent for consideration of the petitioner's application afresh, in the light of the community certificate issued to the petitioner and also the observation made in the Division Bench judgment (supra).

6 The writ petition stands disposed of with the above observations. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

To

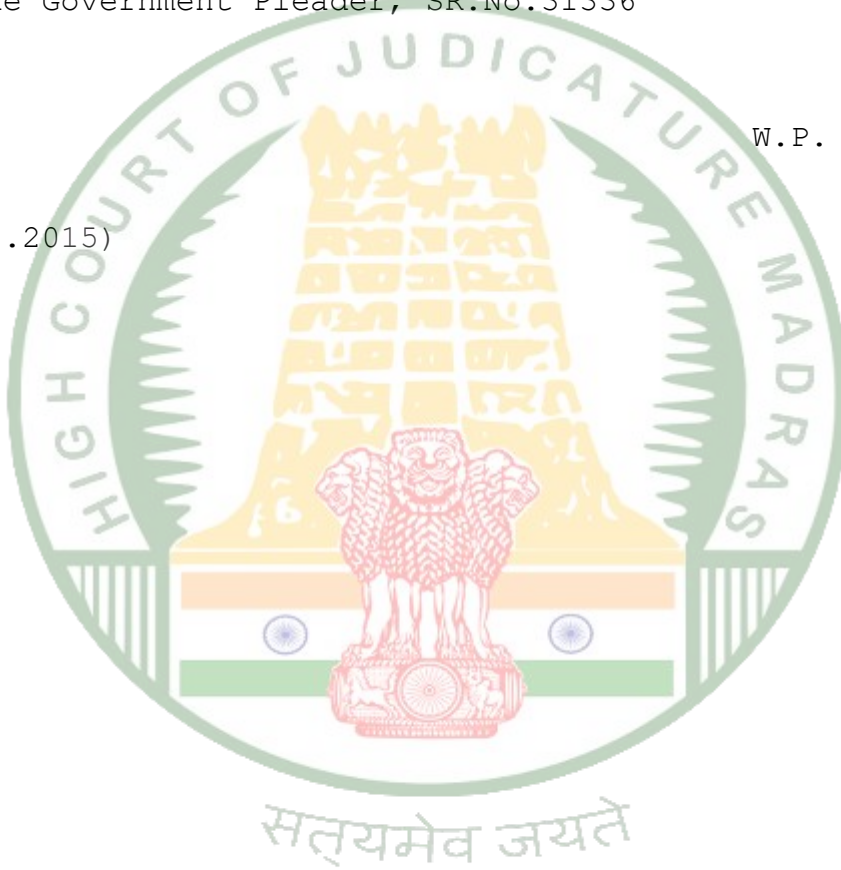
The Revenue Divisional Officer
Harur
Dhramapuri District

1 CC to Mr. S. Doraisamy, Advocate SR.No.30971

1 CC to the Government Pleader, SR.No.31336

W.P. No.18053 of 2015

PUR (CO)
PSI (03.07.2015)



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