

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 9/7/2015

C O R A M

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

W.P. No.24464 of 2014

M. Saravanan ... Petitioner

Vs

The Sub-Collector
Mettur Taluk
Salem District 636 401. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in Na.Ka.No.2284-2014-D dated 22/7/2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children viz., 1. S. Gokula Gopalakrishnan 2. S. Nishakumari and 3. S. Nithya that they belong to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner and his family members.

For petitioner : Mr.S.Duraisamy
for Mr.V.Elangovan

For respondent : Mr.R.Rajeswaran, Spl.G.P.

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 matter is taken up for final disposal, at the admission stage itself.

2. The writ petitioner is stated to belong to Kurumans Community', which is a Scheduled Tribe Community. He obtained a Community Certificate to that effect on 16/7/1982 from the Deputy Tahsildar, Omalur. His wife also belonging to the same Community was also given the Community Certificate by the Tahsildar, Omalur on 30/12/1985. Thereafter, the petitioner had made an application for the issuance of Social Status Certificate/Community Certificate to

his children viz., S. Gokula Gopalakrishnan 2. S. Nishakumari and 3. S. Nithya on 9/12/2013. After receipt of the said application, no enquiry was made and no order was passed. Hence the petitioner had filed W.P.No.6721 of 2014, wherein this Court had directed the respondent to consider and dispose of the application, if it is otherwise in order. Without examining the relevant documents, the respondent, by an order dated 22/7/2014, declined to issue the said certificate, observing that the children belong to some other Community as in their School Transfer Certificate, their Community was not recorded as 'Kurumans'. The respondent had fully ignored the Community Certificate granted to him and his wife. This is a clear case of non-application of mind.

3. We have been repeatedly observing that a community comprises of the members of the family and also members of the same group or tribe, caste, the children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificates issued in favour of the parents by the competent authority unless the same is set aside or modified by the higher authority i.e., State Level Scrutiny Committee.

4. For the reasons stated above, we set aside the order passed by the respondent dated 22/7/2014 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of one week from the date of receipt of the copy of this order.

5. This writ petition stands disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

mvs.

To

The Sub-Collector
Mettur Taluk
Salem District 636 401.

1 cc to Mr.S.Doraisamy, Advocate, Sr. 34967
1 cc to Government Pleader, Sr. 35003

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