

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2015

CORAM

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

W.P. Nos.20127 and 20128 of 2015

S. Theerthagiri

... Petitioner in both the WPs

Vs.

The Revenue Divisional Officer
Harur
Dharmapuri District

... Respondent in both the WPs

Writ Petitions 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.7823/2010(A1) and Pa.Mu.7822/2010(A1) dated 08.05.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the son and daughter of the petitioner by name Minor Girish Hari T. and Minor T. Rachana, respectively, that they belong to Kurumans (ST) community based upon the proceedings of the State Level Scrutiny Committee passed in Proceedings No.21287/CVIII/2013 dated 24.03.2014 passed in favour of the petitioner.

For petitioner in
both the WPs : Mr. S. Doraisamy

For respondent : Mr. R. Rajeswaran
both the WPs Special Government Pleader

COMMON ORDER

(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 on

either side, the writ petitions are taken up for final disposal, at the admission stage itself.

2. The petitioner is stated to belong to Kurumans community, which is a Scheduled Tribe community. He obtained a community certificate to that effect on 12.02.1996 from the Revenue Divisional Officer, Dharmapuri. The said community status of the petitioner has also been confirmed by the State Level Scrutiny Committee vide Proceedings No.21287/CVIII/2013 dated 24.03.2014. The community status of the petitioner's own brother and sister also has been confirmed by the State Level Scrutiny Committee vide Proceedings Nos.21069/CVIII/2007 dated 23.09.2013 and 7216/CVIII/2011 dated 31.10.2013 respectively. While so, the petitioner has made an application for the issuance of social status certificate/community certificate to his son and daughter, viz., Minor Girish Hari T. and Minor T. Rachana, respectively, on 19.04.2014. After receipt of the said applications, an enquiry was made and the petitioner was also directed to appear with the relevant documents. Without examining the relevant documents, the respondent, by the impugned proceedings dated 08.05.2015, declined to issue community certificate to the petitioner's children, observing that they belong to some other community as in their birth register, their community was recorded as "Kurumbar". The respondent had fully ignored the community certificate issued to the petitioner and his own brother and sister. This is a clear case of non-application of mind.

3. We have been repeatedly observing that a community comprises the members of the family and also, members of the same group or tribe or caste and that the children derive their community from their parents. If the father has been granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificate issued to the father 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 afore-mentioned reasons, we set aside the impugned proceedings dated 08.05.2015 issued by the respondent and direct the respondent to issue necessary community certificate to the petitioner's children, viz., Minor Girish T. Hari and Minor T. Rachana, forthwith, preferably within a period of one week from the date of receipt of a copy of this order.

5. With the above direction, the writ petitions stand disposed of. Costs made easy.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

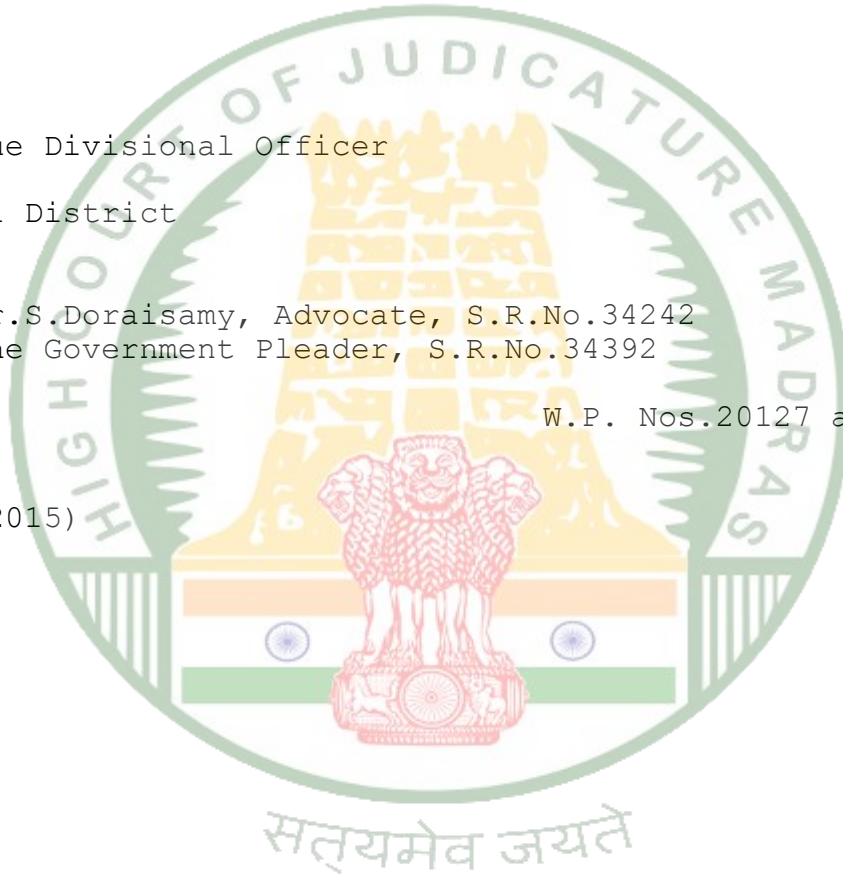
To

The Revenue Divisional Officer
Harur
Dharmapuri District

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.34242
+1cc to the Government Pleader, S.R.No.34392

W.P. Nos.20127 and 20128 of 2015

RV(CO)
CA(14/07/2015)



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