

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.20167 to 20169 of 2015 and M.P. Nos.1 of 2015

G. Krishnamoorthy	Petitioner in WP No.20167/2015
G. Sathiaselvan	Petitioner in WP No.20168/2015
G. Mohan	Petitioner in WP No.20169/2015

Vs.

- | | | |
|---|---|----------------------------|
| 1 | The Revenue Divisional Officer
Tiruppattur
Vellore District | |
| 2 | The Director of Tribal Welfare
Chennai 600 005 | Respondents in all the WPs |

Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the orders dated 28.01.2015 in Application ID: 2014/0204/04/016813, 2014/0204/04/016817 and 2014/0204/04/016818 (online) passed by the first respondent and quashing the same and directing the first respondent to consider the petitioners' application dated 30.10.2014 respectively, for issuance of a community certificate to them on the basis of the Cultural Report on "Kurumans" sent by the second respondent vide his letter dated 18.02.2015 to the first respondent and decide the same in accordance with law.

For petitioner in
all the WPs

: Mr. M. Radhakrishnan

For respondents
in all the WPs

: Mr. R. Rajeswaran
Special Government Pleader

COMMON ORDER

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

In view of commonality of issue involved in these writ petitions, these writ petitions are being considered and decided by this common order. With the consent of the learned counsel for the parties, the writ petitions are taken up for final disposal, at the admission stage itself.

2 These writ petitions are filed challenging the online orders of the first respondent, whereby and whereunder, the petitioners' applications seeking certificate that they belong to Kurumans (ST) community, were rejected.

3 The prime contention in this batch of writ petitions is that the petitioners' applications seeking certificate that they belong to Kurumans (ST) community were not considered properly and the same were rejected without assigning any reason as is evident from the impugned online information and the petitioners have not been communicated any order.

4 The authorities exercising quasi-judicial functions are under an obligation to pass a reasoned order dealing with each and every document produced by the applicant, as the reasoning is the heartbeat of a conclusion.

5 Further, it is also worth mentioning that a Division Bench of this Court, by order dated 13.02.2014 passed in W.P. No.11977 of 2014, had indicated that the cultural report on Kurumans is required to be considered while the application of an applicant seeking issuance of community certificate is examined.

6 In such view of the matter, the impugned online orders are set aside and the matter is remitted back to the authority concerned to consider the matter afresh on holding proper enquiry and also taking into consideration, the relevant documents and materials, including the Cultural Report of Kurumans sent by the second respondent, vide communication dated 18.02.2015. It is well settled proposition of law that while considering an application for issuance of community/social status certificate, the certificate issued in favour of relatives have greater probative value. The competent authority is required to enquire into the anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies, etc. by the castes and tribes, particularly, in case of Scheduled Tribe.

If, on enquiry, it is found that the parents of the applicant seeking social status/community certificate, have been granted such certificate and the same is not held as not genuine or doubtful, such certificate cannot be disregarded and that is a conclusive proof in case of children. Accordingly, the competent officer is directed to examine the issue carefully and pass a fresh reasoned order on merits and in accordance with law.

7 With the above direction, the writ petitions stand disposed of. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

1 The Revenue Divisional Officer
Tiruppattur
Vellore District

2 The Director of Tribal Welfare
Chennai 600 005

+3cc to Mr.M. Radhakrishnan, Advocate sr.no.34084

+3cc to the government pleader sr.no.34391.

W.P. Nos.20167 to 20169 of 2015

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srg 24.07

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