

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.21875 of 2015

P. Sekar

...Petitioner

Vs

The Revenue Divisional officer
Tiruvannamalai
Tiruvannamalai District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking writ of certiorarified mandamus to call for the records relating to the order of rejection passed in proceedings in No.Pa.Mu/(A2)/3387/2015 dated 13/7/2015 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioner's daughters viz., 1.S.Santhalakshmi, 2. S. Santhiya and 3. S.Leela that they belong to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner and his relative.

For petitioner ... Mr.S.Doraisamy

For respondent ... Mr.R.Rajeswaran
Special Government Pleader

सत्यमेव जयते
O R D E R

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

Mr.R.Rajeswaran, learned Special Government Pleader takes notice on behalf of 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 petitioner had obtained a Community Certificate on 13th August, 2014, issued by a competent Officer i.e., the Revenue Divisional officer, Tiruvannamalai. Thereafter, he made an application for issuance of Community Certificate to his daughters, viz., S.Santhalakshmi, S. Santhiya and S.Leela, which was rejected by

the impugned order dated 13th July, 2015, on the ground that the daughters belong to Hindu Gounder Community.

3. From a perusal of the materials available on record, it is seen that the petitioner was issued with community certificate on 13th August, 2014 by the respondent herein stating that he belong to Kurumans (ST) community, and as such petitioner's children are also entitled to get such community certificates.

4. We have been repeatedly observing that a community comprises not only of the members of the family, but also the members of the same group or tribe. In the case on hand, when the respondent himself issued community certificate to the petitioner recognising his community as Kurumans (ST) community, his children are also entitled to get such community status.

5. The community certificate issued by the competent authority in favour of the petitioner is not doubted. The other competent authority, while considering the application for the grant of similar community certificate to the children, has no competence to ignore the proper certificate issued in favour of the father of the children, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee. If the competent authority has any doubt about the genuineness of the community certificate, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee and not to take contrary stand, without appropriate order passed by the State Level Scrutiny Committee.

6. For the reasons stated above, the impugned order dated 13th July, 2015 is set aside. The respondent is directed to consider the matter afresh and take a decision in view of the observations made herein above, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition stands disposed of accordingly. No costs.

-Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

+ 1 cc to Mr.S.Doraisamy, Advocate (SR.37397)
+ 1 cc to Government pleader (SR.37165)

To

The Revenue Divisional officer
Tiruvannamalai
Tiruvannamalai District.

W.P. No.21875 of 2015

RJ(co)
cp 04.08.2015



WEB COPY