

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.21995 of 2015

R. Nagarajan

Petitioner

Vs

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondent to issue community certificate to the petitioner's children by name 1. N. Madhubala, 2. N. Devibala and 3. N. Jayasurya that they belong to "Kurumans (ST) Community" as per the application of the petitioner dated 9/6/2014 based upon the community certificate already issued to the petitioner dt.9.4.1998 by the Respondent.

For petitioner : Mr.S.Doraisamy
For respondents : 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 on either side, the writ petition is taken up for disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kurumans (ST) community certificate to the petitioner's children viz., N. Madhubala, 2.

N. Devibala and 3. N. Jayasurya based on the petitioner's application dated 9th June, 2014.

3 The petitioner, claiming that he belongs to Kurumans (ST) community, has made an application on 9th June, 2014 to the respondent, seeking issuance of such community certificate to his daughters. Since no orders have been passed on the said application, the petitioner has come up with the instant writ petition seeking the afore-stated relief.

4 From a perusal of the petitioner's application dated 9th June, 2014, it is manifest that in support of his claim that he belongs to Kurumans (ST) community, he has annexed therewith, copies of his community certificate and transfer certificate issued by the school to his children.

5 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate accordingly. We have been repeatedly observing that a community comprises not only the members of the family, but also the members of the same group or tribe. In the case on hand, when the petitioner has been issued with community certificate to the effect that he belongs to the Kurumans (ST) community, the petitioner's children are also entitled to get such community status and we are at a loss to understand as to why the petitioner's application has been kept pending without any orders being passed.

6 Needless to state that if any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate issued to the petitioner while considering his application for grant of community certificate to his children, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee, but not to take a contrary stand by dis-crediting the same. The said certificate is subject to further verification by the State Level Scrutiny Committee. In other words, if the competent authority has any doubt about the genuineness of the community certificate issued to the petitioner, he has no competence to ignore the same, unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee and he can only refer the matter to the State Level Scrutiny Committee.

7. For the aforesaid reasons, we direct the respondent to consider the petitioner's application dated 9th June, 2014 on merits and in accordance with law, and pass appropriate order within a

period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

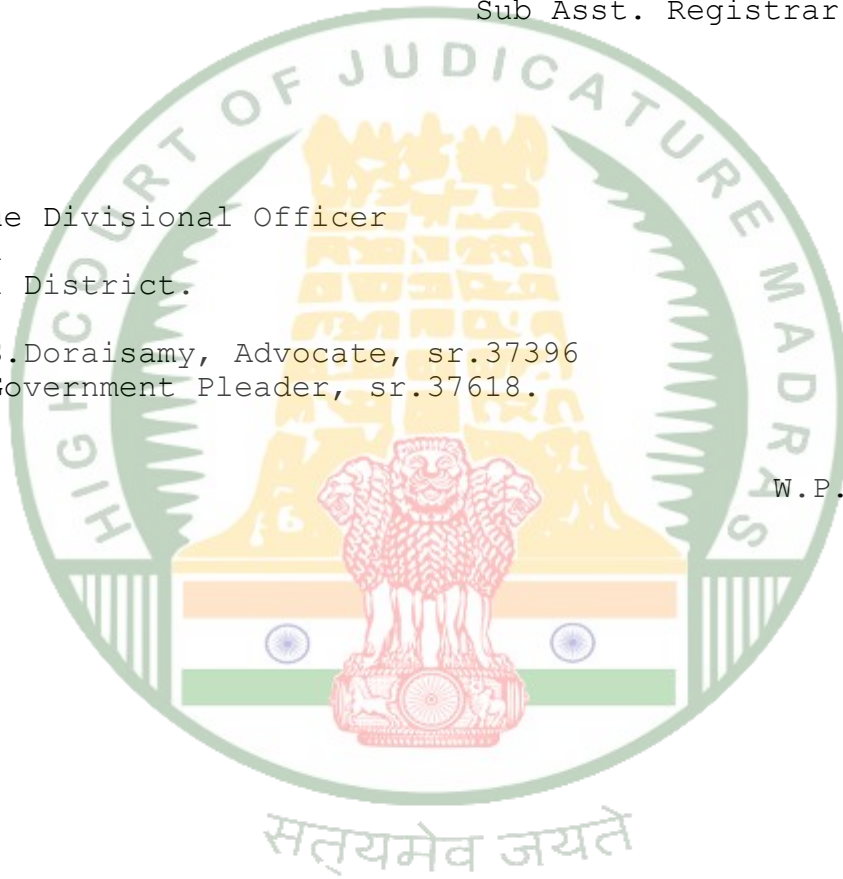
mvs.

To
The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1 cc Mr.S.Doraisamy, Advocate, sr.37396
+1 cc to Government Pleader, sr.37618.

W.P.No.21995 of 2015

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