

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-07-2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.22110 of 2015

M. Malliga

.. Petitioner

Vs.

The Revenue Divisional Officer,  
Dharmapuri, Dharmapuri District

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to issue community certificate to the children of the petitioner viz., 1. B. Nithiyanandam and 2 B. Vimal that they belong to Kurumans (ST) community based upon the community certificate already issued to her and her bothers, which were verified by the State Level Scrutiny Committee.

For petitioner : Mr. S. Doraisamy

For respondent : Mr. R. Rajeswaran  
Special Government Pleader

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 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 community certificate to the

children of the petitioner viz., 1. B. Nithiyanandam and 2 B. Vimal that they belong to Kurumans (ST) community based upon the community certificate already issued to her and her brothers.

3 The petitioner, claiming to be a member of Kurumans (ST) community, has made an application on 01.06.2015 to the respondent seeking issuance of such community certificate to her children viz., B. Nithiyanandam and B. Vimal. Since no orders have been passed on the said application, the petitioner has come up with the instant writ petition seeking the aforesaid relief.

4 From a perusal of the petitioner's application dated 01.06.2015, it is manifest that in support of her claim that she belongs to Kurumans (ST) community, she has annexed therewith, copies of community certificate issued to her and her brothers by the respondent.

5 By this petition, the petitioner is seeking a direction to the respondent to consider her 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 and her brothers have been issued with community certificate to the effect that they belong to Kurumans (ST) community, the petitioner's children viz., B. Nithiyanandam and B. Vimal 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 her application seeking community certificate for her children, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee and not to take a contrary stand by dis-crediting the community certificate issued to the petitioner, without appropriate order being passed 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 01.06.2015 on its own merits and in accordance with law, 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

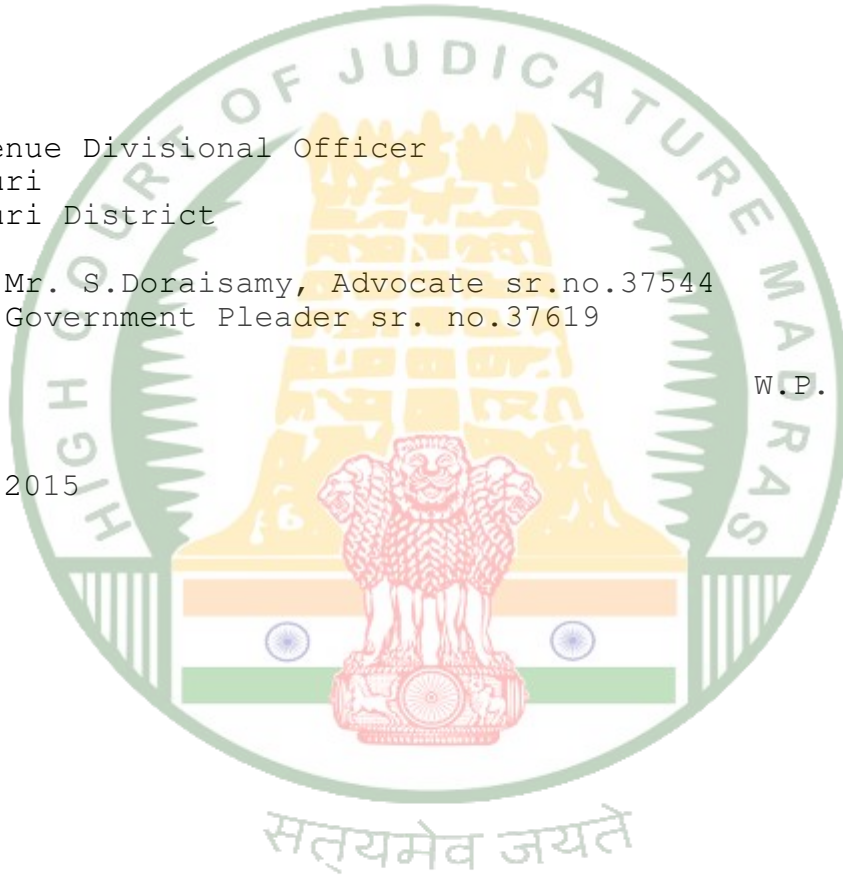
To

The Revenue Divisional Officer  
Dharmapuri  
Dharmapuri District

+1cc to Mr. S.Doraisamy, Advocate sr.no.37544  
+1cc to Government Pleader sr. no.37619

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srg 04.08.2015



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