

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24-7-2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.22262 of 2015

L. Devan

.. 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 Certiorari calling for the records relating to the order of rejection in Na.Ka.3291/2013/A4, dated 21.4.2014 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children D.Sivasankari and D.Sivaguru that they belong to Kurichchan (ST) community based upon the community certificates already issued to the petitioner.

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 by SATISH K. AGNIHOTRI, J.)

Mr.R. Rajeswaran, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner, claiming that he belongs to Kurichchan (ST) community, has made an application on 31st March, 2008 to the respondent seeking issuance of such community certificate to his children viz., D.Sivasankari and D.Sivaguru. The inaction of the

respondent led to filing of W.P.No.29393 of 2013, which was disposed of on 29th October, 2013, directing the respondent to pass orders on petitioner's application dated 31st March, 2008 within a period of two months. Thereafter, petitioner's application was rejected by the respondent by order dated 13th January, 2014. Challenging the said order petitioner again filed W.P.No.5470 of 2014 whereunder by order dated 27th February, 2014 this Court set aside the rejection order dated 13th January, 2014 and remitted the matter back to the respondent to consider the request of the petitioner in the light of the community certificate issued to the petitioner himself. In the said order this Court also observed that if the respondent entertains any doubt about the genuineness of the said certificates, it is open to the respondent to refer the same to the competent committee. In spite of such direction, the respondent passed the impugned order dated 21st April, 2014, rejecting the request of the petitioner, which is under challenge in the instant petition.

3. From the perusal of the materials available on record, it is seen that the petitioner was issued with community certificate on 26th June, 1981 by the Tahsildar, Palacode stating that he belongs to Kurichchan (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 petitioner was issued with community certificate recognising his community as Kurichchan (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 parents 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 21st April, 2014 is quashed and we direct the respondent to issue necessary community certificates to the children of the petitioner forthwith, preferably within a period of one week from the date of

receipt of copy of this order. The writ petition stands disposed of accordingly. No costs. M.P.NO.1 of 2015 is closed

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

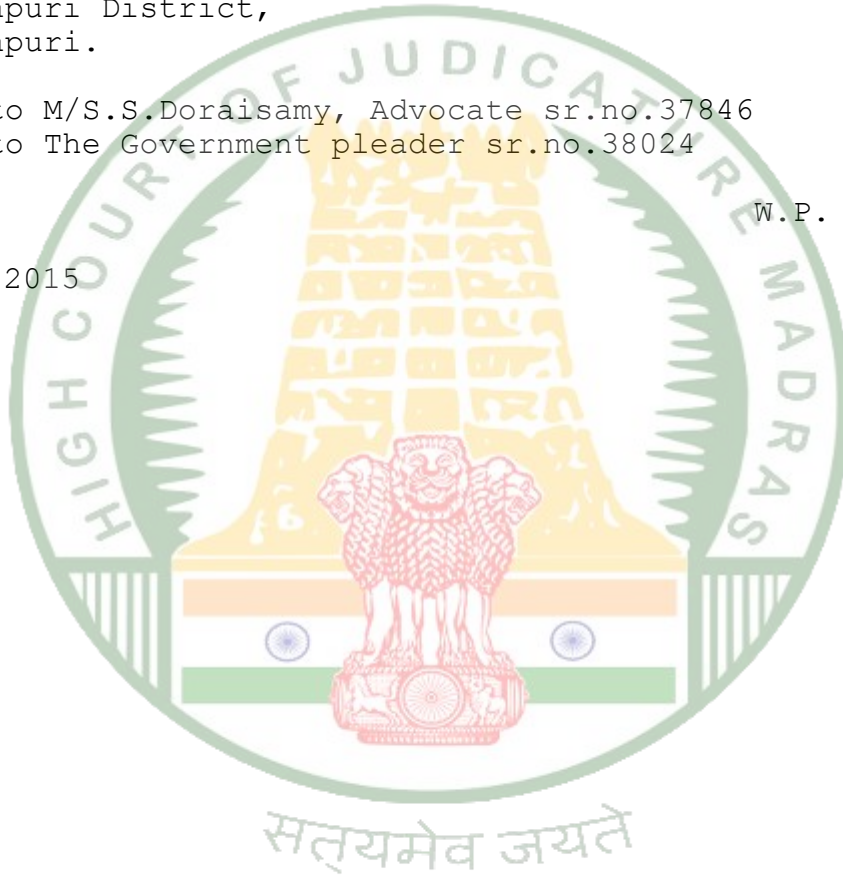
To

The Revenue Divisional Officer,
Dharmapuri District,
Dharmapuri.

+1cc to M/S.S.Doraisamy, Advocate sr.no.37846
+1cc to The Government pleader sr.no.38024

ug[co]
srg 31.07.2015

W.P. No.22262 of 2015



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