

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.22350 of 2015

R. Mullaikodi ... 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 petitioner that she belongs to Kurichchan (ST) community based upon the community certificate already issued to the petitioner's husband Rangadurai and her children.

For petitioner : Mr.S.Doraisamy
For Respondent : Mr.R.Rajeswaran,
Special Government Pleader

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's husband, claiming that the petitioner belongs to Kurichchan (ST) community, has made an application on 25.2.2015 to the respondent seeking issuance of community certificate to his wife/petitioner herein and children viz., R.M.Sithu Gokul and R.M.Subi Krishnan. The respondent issued community certificate to the children on 12.5.2015 and 24.4.2015 respectively and directed the petitioner to make a fresh application. Accordingly petitioner also made an application to the respondent on 8.6.2015 enclosing relevant supporting documents. Since no community certificate is issued to the petitioner, she approached this court with the instant petition.

3. From the perusal of the materials available on record, it is seen that the petitioner's husband and children are issued with

community certificates on 26.5.1997, 12.5.2015 and 24.4.2015 respectively by the respondent herein stating that they belong to Kurichchan (ST) community, and as such the petitioner is also entitled to get such community certificate.

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 certificates to the petitioner's husband and children recognising their community as Kurichchan (ST) community, petitioner is 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, we direct the respondent to issue necessary community certificate to 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.

Sd/-
Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

vr
To
The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1 cc to Mr.S.Doraisamy, Advocate, sr.37850

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br (co)
kra (07/08)