

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.22513 of 2015

S. Ramkumar

...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 "Kurumans" Scheduled Tribe community certificates to the petitioner's son and daughter viz., R. Kalaiarasu and R. Kavipriya immediately.

For petitioner : Mr. M. Radhakrishnan

For respondent : Mr. R. Rajeswaran
Special Government Pleader

ORDER

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., R. Kalaiarasu and R. Kavipriya based on the petitioner's application dated 22.03.2015.

3 The petitioner, claiming that he belongs to Kurumans (ST) community, has made an application on 22.03.2015 to the respondent

seeking issuance of such community certificate to his children viz., R. Kalaiarasu and R. Kavipriya. Since no orders have been passed on the said application, the petitioner has come up with the instant writ petition seeking the aforestated relief.

4 In the affidavit filed in support of the writ petition, the petitioner has averred that he has been issued with Scheduled Tribe community certificate dated 28th December 1995 by the respondent. He has also averred that his children are entitled to such community certificates based on his community certificate dated 28.12.1995. However, seemingly, along with his application, the petitioner has not enclosed the aforesaid document relied on by him in support of his claim.

5 By this petition, the petitioner is seeking a direction to the authority concerned to consider his application and issue community certificate to his children 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 Kurumans (S.T.) community, as a natural corollary, his children are also entitled to get such community status and we are at a loss to understand as to why the petitioner's application dated 22nd March 2015 has been kept pending for more than 4s months, contrary to the direction of the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹ and several other decisions.

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 the same certificate for 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 community 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.

¹ (1994) 6 SCC 241

7 In view of the foregoing, we direct the authority concerned to consider and pass orders on the petitioner's application dated 22nd March, 2015 on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the Supreme Court in Kumari Madhuri Patil (supra). The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

1 CC to Mr. M. Radhakrishnan, Advocate SR.No. 40166

1 CC to the Government Pleader, SR.No. 39115

AD (CO)
PSI (07.08.2015)

W.P. No.22513 of 2015

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