

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-7-2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P.No.22561 of 2015

S. Sathiya

... 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 by name Minor.S.Kokila, Minor S.Gokulnathan and Minor S.Sukumar respectively that they belong to Kurumans Scheduled Tribe Community based on the Scheduled Tribe Community Certificate issued in favour of the petitioner and by considering the application/representation submitted by the petitioner dated 31.3.2015 within a time frame fixed by this Court.

For Petitioner ... Mr.G.Sankaran

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 on either side, the writ petition is taken up for disposal, at the admission stage itself.

2. This writ petition is filed seeking a mandamus directing the respondent to issue Community Certificate to the children of the petitioner by name Minor.S.Kokila, Minor S.Gokulnathan and Minor S.Sukumar respectively that they belong to Kurumans Scheduled Tribe Community based on the Scheduled Tribe Community Certificate issued in favour of the petitioner and by considering the

application/representation submitted by the petitioner dated 31st March, 2015, within a time frame fixed by this Court.

3. The petitioner, claiming that she belongs to Kurumans (S.T) community, has made an application on 31st March, 2015, to the respondent, seeking issuance of such community certificate to her children viz., Minor.S.Kokila, Minor S.Gokulnathan and Minor S.Sukumar. Since no order has been passed on the said application, petitioner has come up with the instant writ petition seeking the afore-stated relief.

4. From a perusal of the petitioner's application dated 31st March, 2015, it is manifest that in support of her claim that she belongs to Kurumans (S.T.) community, she has annexed therewith the copy of her community certificate.

5. By this petition, the petitioner is seeking a direction to the authority concerned to consider her application and issue community certificate to her children accordingly. 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 has been issued with community certificate to the effect that she belongs to Kurumans (S.T.) community, as a natural corollary, her 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 31st March, 2015 has been kept pending, 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 her application for grant of the same certificate for her 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.

7. In view of the foregoing, we direct the authority concerned to consider and pass orders on the petitioner's application dated 31st March, 2015, on merits and in accordance with law, after

¹ (1994) 6 SCC 241

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

True Copy

Sub Assistant Registrar

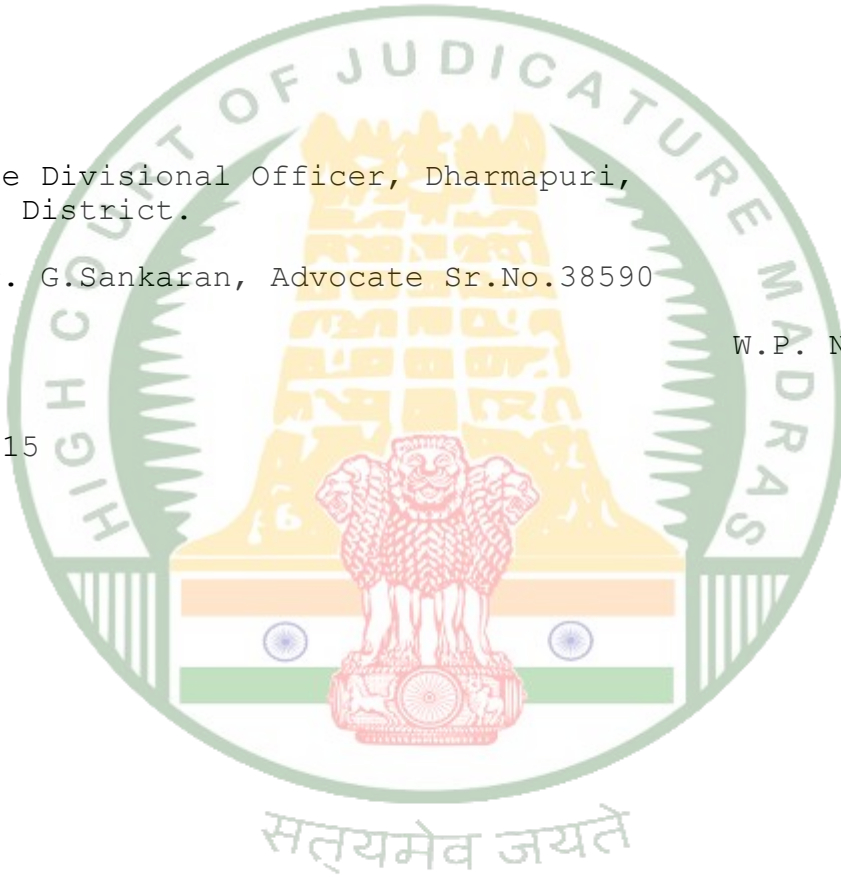
To

The Revenue Divisional Officer, Dharmapuri,
Dharmapuri District.

1 cc to Mr. G.Sankaran, Advocate Sr.No.38590

W.P. No.22561 of 2015

ctk(co)
pmk.3.8.2015



WEB COPY