

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27/7/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.22591 of 2015

S. mathaiyan

... 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.M.Sudharshan, Minor M.Manisha and Minor M.Sasithra that they belong to Kurumans (ST) Community based on the Community Certificate possessed by the petitioner.

For petitioner ... Mr.S.Doraisamy
For respondent Mr. R. Rajeswaran
Special
Government Pleader

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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.M.Sudharshan, Minor M.Manisha and Minor M.Sasithra that they belong to Kurumans (ST)

Community based on the Community Certificate possessed by the petitioner.

3 The petitioner, claiming that he belongs to Kurumans (S.T) community, has made an application on 12th August, 2011 and his subsequent applications dated 30th December, 2014 and 19th May, 2015 to the respondent, seeking issuance of such community certificate to his children viz., Minor.M.Sudharshan, Minor M.Manisha and Minor M.Sasithra. Since no order has been passed on the said application, he has come up with the instant writ petition seeking the aforestated relief.

4 From a perusal of the petitioner's application dated 12th August, 2011, it is manifest that in support of his claim that he belongs to Kurumans (S.T.) community, he has annexed therewith the copies of his community certificate as well as of his wife.

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 12th August, 2011 and his subsequent applications dated 30th December 2014 and 19th May, 2015, have been kept pending, contrary to the direction of the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹ 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

1 (1994) 6 SCC 241

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 12th August, 2011 and his subsequent applications dated 30th December 2014 and 19th May, 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

//True copy//

Sub Assistant Registrar

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

+1 cc to Mr.S.Doraisamy, Advocate (SR.38251)
+1 cc to Government pleader (SR.38517)

BVR(CO)

cp 06.08.2015

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W.P. No.22591 of 2015



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