

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K. SASIDHARAN

W.P. No.23338 of 2015 and M.P. No.1 of 2015

D. Ramalingam

Petitioner

Vs.

1 The Sub-Collector
Tirupattur, Vellore District

2 The Director of Tribal Welfare
Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order bearing No.RC.A1/2428/2014 dated 18.09.2014 passed by the first respondent and quashing the same and directing the first respondent to consider the community status of the petitioner for issuance of Kurumans ST certificates to the petitioner, his wife, and his two children on the basis of the Cultural Report on Kurumans sent by the second respondent vide his letter dated 18.02.2015 to the first respondent and decide the same in accordance with law.

For petitioner Mr. M. Radhakrishnan
For respondents Mr. N. Sakthivel
Government Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2 Assailing the legality of the order dated 18.09.2014, whereunder, the petitioner's application for grant of Kurumans (S.T.) community certificate to his children, was rejected, the petitioner has come up with this writ petition.

3 As per the averment in the affidavit filed in support of the writ petition, the petitioner made an application before the first respondent, seeking for Kurumans (S.T.) community certificate for himself, his wife and two children. The first respondent, by the impugned order dated 18.09.2014, rejected the petitioner's application, observing inter alia that he belongs to Kurumba community, which is classified as Most Backward Community and as such, he cannot be issued with the certificate as sought by him.

4 The issue as to whether Kurumba, Kurumbar and Kurumba Kounder are Kurumans, came up for consideration before a Division Bench of this Court in W.P.Nos.25963 and 25964 of 2013 on 25.11.2013 (E.Mani and another Vs. The Revenue Divisional Officer, Tiruvannamalai), wherein the Director of Adi Dravidar and Tribal Welfare Department was directed to consider various reports and take the final decision on the issue.

5 It is stated that the second respondent had submitted the cultural report dated 18.02.2015 on Kurumans, which was circulated to all Revenue Divisional Offices for the purpose of identifying Kurumans Scheduled Tribe and also for the issuance of community certificate accordingly. The petitioner seeks fresh consideration by the first respondent on the basis of the cultural report circulated under covering letter dated 18.02.2015.

6 On a perusal of the impugned order, it is noticed that the first respondent has not examined the cultural report while considering the petitioner's application and not given due credence to the un-attested community certificate submitted by the petitioner in support of his claim.

7 In such view of the matter, we are of the considered opinion that the impugned order is liable to be set aside. Accordingly, the impugned order dated 18.09.2014 is set aside with a direction to the first respondent to examine the application afresh in the light of the aforestated cultural report and also other relevant documents produced by the petitioner and pass a fresh order on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8 The writ petition stands disposed of with the above direction and observation. Costs made easy. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

cad

To

- 1 The Sub-Collector
Tirupattur, Vellore District
- 2 The Director of Tribal Welfare
Chennai 600 005

+1cc to M/s. M. Radhakrishnan, Advocate, S.R.No.40172

+1cc to the Government Pleader, S.R.No.39958

ALA(CO)
EU(13/07/2015)

W.P. No.23338 of 2015



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