

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.23371 of 2015

T. Gudiyan

...Petitioner

vs.

The Sub-Collector
Tirupattur
Vellore District

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the entire records relating to the impugned order bearing RC.A1/2159/2011/ dated 30.05.2014 from the respondent and quash the same as illegal, arbitrary, inoperative in law and further directing the respondent to issue Kurumans (ST) community certificate to the petitioner's son,, viz., G. Sudharsan, based upon his community certificate.

For petitioner : Mr. M. Ravi

For respondent : Mr. N. Sakthivel
Govt. Advocate

ORDER

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

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent.

2 Questioning the legality of the proceedings dated 30th May 2014 of the respondent, the petitioner, who claims to be a member of Kurumans (S.T.) community, has come up with the instant writ petition.

3 According to the learned counsel for the petitioner, the impugned order has been passed without taking cognizance of the petitioner's social and cultural traits and also the fact that his other close relatives have been granted Kurumans (S.T.) community certificate. Thus, the impugned order is liable to be quashed.

4 We have heard the learned counsel for the parties and also perused the impugned order.

5 The respondent, viz., the Sub-Collector, Tirupattur, while considering the petitioner's application, examined all the relevant documents. It was found by the respondent that the certificate issued in favour of the petitioner's father was doubtful, as the said certificate was not subjected to verification by the State Level Scrutiny Committee. Accordingly, a decision was taken to refer the matter to the State Level Scrutiny Committee for verification on the basis of proper enquiry to be conducted by the Regional Vigilance Cell.

6 We have examined the relevant documents. We do not find any infirmity in the order sought to be impugned. It is well settled that if there is any doubt qua the genuineness of the community status of a particular person, it is proper for the competent officer, i.e., the Sub-Collector, in the case on hand, to refer the matter to the State Level Scrutiny Committee.

7 The learned Government Advocate submits that the State Level Scrutiny Committee shall examine the matter on its own merits and in accordance with law and take a decision expeditiously.

8 As the matter is pending adjudication before the State Level Scrutiny Committee, without making any observation in the matter, we dismiss the writ petition. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

cad

To

The Sub-Collector
Tirupattur
Vellore District

1 CC to Mr. M. Ravi, Advocate SR.No. 39661

1 CC to the Government Pleader, SR.No. 39954

W.P. No.23371 of 2015

KGK (CO)
PSI (21.08.2015)



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