

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.23463 of 2015

R. Kumar

...Petitioner

Vs.

The Revenue Divisional Officer

***Harur,**

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 petitioner's daughter by name Minor K. Vanisri that she belongs to Kurumans Scheduled Tribes community, based on the Scheduled Tribe community certificate issued in favour of the petitioner and his wife (parents) and by considering the application/representation submitted by the petitioner dated 26.06.2014 within a time-frame.

For petitioner : Mr. G. Sankaran

For respondent : 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 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 petitioner's daughter, viz., K. Vanisri that she belongs to Kurumans (S.T.) community, based on the S.T. community certificate issued in favour of the petitioner and his wife and by considering the application/representation dated 26th June, 2014 submitted by the petitioner, within a time-frame.

3 The petitioner, claiming that he belongs to Kurumans (S.T.) community, has made an application on 26th June, 2014 to the respondent, seeking issuance of such community certificate to his daughter viz., K. Vanisri. Since no orders have 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 26th June, 2014, it is manifest that in support of his claim that he and his wife belong to Kurumans (S.T.) community, he has annexed therewith, copies of community certificate issued to them.

5 By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate to his daughter Vanisri, 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 and his wife have been issued with community certificate to the effect that they belong to Kurumans (S.T.) community, as a natural corollary, their daughter is also entitled to get such community status and we are at a loss to understand as to why the petitioner's application dated 26th June, 2014, has been kept pending for more than 6 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 and his wife while considering the petitioner's application for grant of the same certificate for his daughter, 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 discrediting 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 respondent to consider and pass orders on the petitioner's application dated 26th June, 2014, on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the

1 (1994) 6 SCC 241

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. Costs made easy.

Sd/-
Assistant Registrar (CS-II)
Dated : 07.08.2015

***Cause Title amended as per
order of this court dated
28.10.2015 as stated therein
Sd/- Assistant Registrar (CS-II)
Dated : 06.11.2015**

True Copy

Sub-Assistant Registrar

cad

To

The Revenue Divisional Officer

***Harur,**
Dharmapuri District.

To be substituted to the
order already despatched
on 13.08.2015

+ 1 cc to M/s.G.Sankaran, Advocate SR 40475

+ 1 cc to Govt.Pleader, High Court, Madras SR 39959

W.P. No.23463 of 2015

rsk(co)
prk7/8

PSI 06.11.2015

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