

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM

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

W.P. No.25084 of 2015

K.Kanmani .. Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondent to review the order of rejection passed against the petitioner dated 26.09.2011 on the file of the respondent and issue community certificate to the petitioner's son that he belongs to Kurichchan(ST) community based upon the orders passed by the State Level Scrutiny Committee in favour of brother and sister of the petitioner dated 13.02.2015.

For petitioner : Mr.S.Doraisamy

For Respondent : Mr.P.S.Sivashanmughasundaram, Spl.G.P.

ORDER

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

With the consent of the learned counsel appearing for the respondent, the writ petition is taken up for final disposal at the admission stage itself.

2 This instant petition is filed by the petitioner seeking a direction to the respondent to review the order of rejection dated 26th September, 2011 and to issue community certificate to the petitioner's son that he belongs to Kurichchan ST community based on the orders passed by the State Level Scrutiny Committee in favour of the brother and sister of the petitioner dated 13th February, 2015.

3 The case of the petitioner is that initially the application of the petitioner for issuance of community certificate to her minor son G.Jaswanth Raj was made on 4th December, 2010 and as the same was not disposed of, she filed a writ petition, being W.P.No.75 of 2011 seeking for a direction to the respondent to pass orders on the said application. That writ petition was disposed of by order dated 5th January, 2011, giving direction to the respondent to dispose of the said application expeditiously. Thereafter, the respondent has considered the application of the petitioner and rejected the same by proceedings in Na.Ka.1415/2011/(A4) dated 26th September, 2011 on the ground that the certificate obtained by the petitioner dated 26th May, 1997 was bogus.

4 The community certificates issued to the petitioner's brother and sister were forwarded to the State Level Scrutiny Committee for examination. The State Level Scrutiny Committee had examined the validity of the community certificate issued to the petitioner's brother Rangadurai, holding him a member of Kurichchan (ST) community and confirmed the same. Likewise, the community certificate of the petitioner's sister, i.e., K.Ranganayaki was also examined by the State Level Scrutiny Committee and by proceedings dated 13th February, 2015, it was confirmed that she belonged to Hindu Kurichchan ST community. On the basis of the aforesaid community certificates issued to her relatives, the petitioner has made a fresh application on 14th July, 2015 for issuance of Kurichchan ST community certificate, enclosing the said proceedings as well as other relatives' certificates.

5 In view of the subsequent developments, as aforesaid, it is proper for the competent officer to re-examine the issue in the light of various documents, which were not available for production before the authorities at the time of examination of the first application dated 4th December, 2010 filed by the petitioner.

6 Accordingly, we direct the respondent to re-examine the entire issue, conduct proper enquiry, examine relevant certificates and relationship and pass appropriate order on its own merit and in accordance with law, within a period of eight weeks from today. This writ petition is disposed of accordingly. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

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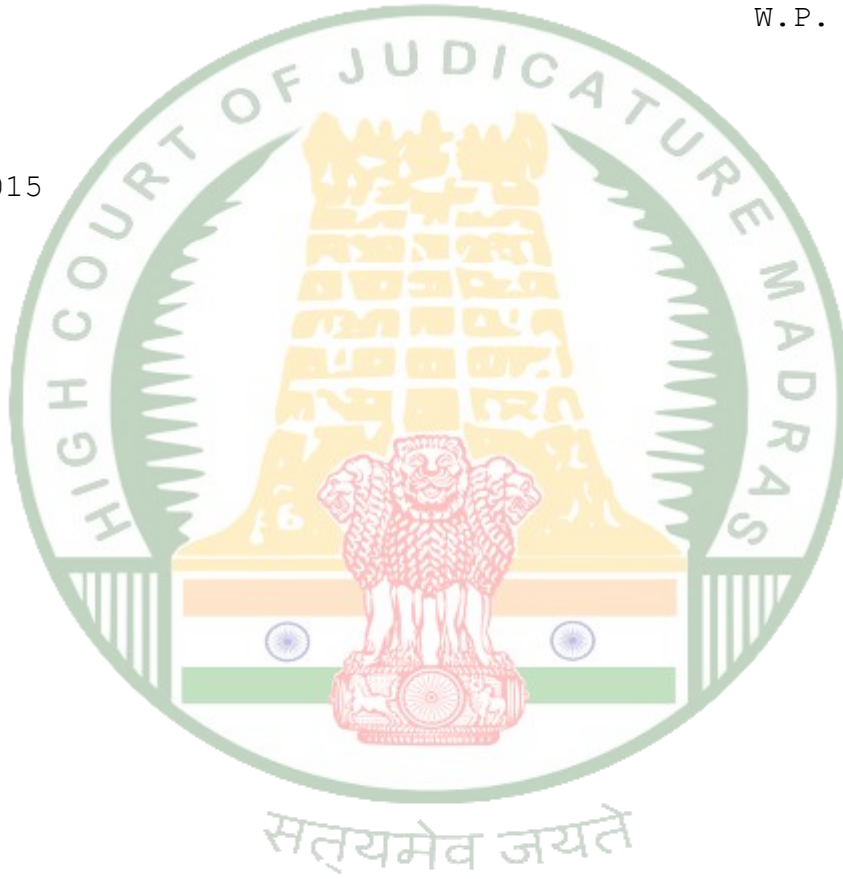
To

The Revenue Divisional Officer,
Dharmapuri.

+1 cc to Mr.S.Doraisamy Advocate sr.42581/15

W.P. No.25084 of 2015

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