

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.2532 of 2015

G. Lingannan

...Petitioner

Vs.

The Personal Assistant (General)
to the Collector of Chennai
Collectorate
Chennai 600 001

...Respondent

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.Vul/3380/2013 dated 01.07.2014 passed by the respondent and quashing the same and directing the respondent to issue community certificates immediately to the three children of the petitioner as asked for in the petitioner's application dated 11.03.2014 made to the respondent.

For petitioner : Mr. M. Radhakrishnan

For respondent : Mr. R. Rajeswaran
Special Government Pleader

ORDER

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

With the consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2 The brief facts leading to the filing of this writ petition are that the petitioner is stated to belong to Kurumans community, which is a Scheduled Tribe community. A three-member District Vigilance Committee, Chennai, vide proceedings dated 30.03.2007, had concluded that the petitioner belongs to Kurumans (ST) community.

While so, the petitioner made an application on 11.03.2014, seeking community certificates to the effect that his children viz., L. Ajeeth, L. Ashok and L. Aarthu belong to Kurumans (ST) community. Since his representation evoked no response, he filed a writ petition being W.P. No.10033 of 2014 seeking a direction to the authority concerned to consider his application dated 11.03.2014. A Division Bench of this Court, disposed of the said writ petition, directing the authority concerned to pass orders on the petitioner's application dated 11.03.2014 on merits and in accordance with law. Pursuant thereto, vide impugned order dated 01.07.2014, the respondent has rejected the petitioner's application dated 11.03.2014 on the ground that the petitioner himself does not belong to Kurumans (ST) community, rather, he belongs to only Hindu Kurumbar community, which is a Most Backward Caste (MBC) and as such, when the petitioner himself does not belong to Kurumans (ST) community, his children cannot be issued with a community certificate to the effect that they belong to Kurumans (ST) community. Assailing the said rejection order dated 01.07.2014, the instant writ petition has been filed.

3 At this juncture, it is worth pointing out that as per G.O. (2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department dated 12.09.2007, the decision taken by the three-member District Vigilance Committee with regard to the community status of the members of Scheduled Tribe, upto the date of the issue of the said Government Order, is final and there is no quarrel on this. When such is the position, the rejection of the petitioner's application by the respondent de hors the conclusion of the three-member District Vigilance Committee is unsustainable.

4 We have been repeatedly observing that a community comprises the members of the family and also, members of the same group or tribe or caste and that the children derive their community from their parents. If the father has been granted community certificate, without any further verification, his children, are entitled to the said certificate. The respondent has no authority to doubt the certificate issued to the father by the competent authority, unless the same is set aside or modified by the higher authority.

5 In view of the foregoing, we set aside the impugned order dated 01.07.2014 passed by the respondent and direct the authority concerned to issue necessary community certificate to the petitioner's children, viz., L. Ajeeth, L.Ashok and L. Aarthu, forthwith, preferably within a period of one week from the date of receipt of a copy of this order.

6 With the above direction, the writ petition stands allowed.
Costs made easy.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

cad

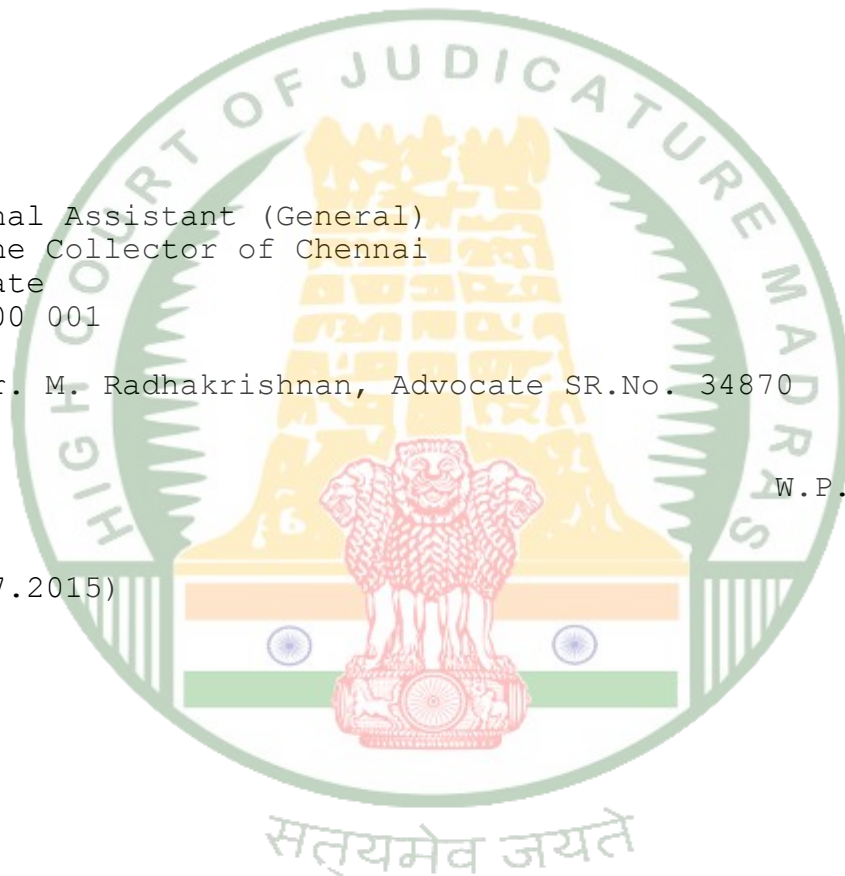
To

The Personal Assistant (General)
to the Collector of Chennai
Collectorate
Chennai 600 001

1 CC to Mr. M. Radhakrishnan, Advocate SR.No. 34870

W.P. No.2532 of 2015

RV (CO)
PSI (13.07.2015)



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