

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2015

CORAM:

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

W.P. No.26808 of 2015

R. Senthilkumar

... Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
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 as well as the petitioner's sons by name S. Kanish and S. Harish that they belong to Kurumans Scheduled Tribes Community based on the Scheduled Tribe Community Certificate issued in favour of the petitioner's brother and sister, within a time frame.

For petitioner : Mr.G. Sankaran

For respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

ORDER

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader, 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. The petitioner, claiming that he belongs to Kurumans (ST) community, has made an application on 30.09.2014 to the respondent seeking issuance of such community certificate to him and his sons by name S. Kanish and S. Harish. Since no orders have been passed on the said application, the petitioner has come up with the instant writ petition seeking the aforesaid relief.

3. From a perusal of materials available on record, it is seen that the petitioner's brother and sister have been issued with Kuruman ST Community Certificates. Further, the State Level Scrutiny Committee has confirmed that the petitioner's sister's husband by name P. Kumar, S/o Perumal belongs to Kurumans (ST) Community vide proceedings No.9280/CVIII/2014, dated 04.02.2015.

4. By this petition, the petitioner is seeking a direction to the respondent to consider his application and issue community certificate 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's brother and sister have been issued with community certificate to the effect that they belong to Kurumans (ST) community, the petitioner's children are also entitled to get such community status and we are at a loss to understand as to why the petitioner's application has been kept pending without any orders being passed.

5. 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 while considering his application seeking community certificate for his children, the only course open to the competent authority is to refer the same to the State Level Scrutiny Committee and not to take a contrary stand by dis-crediting the community certificate issued to the petitioner, without appropriate order being passed 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.

6. For the aforesaid reasons, we direct the respondent to consider the petitioner's application dated 30.09.2014 on merits and in accordance with law, within a period of eight weeks from the date

of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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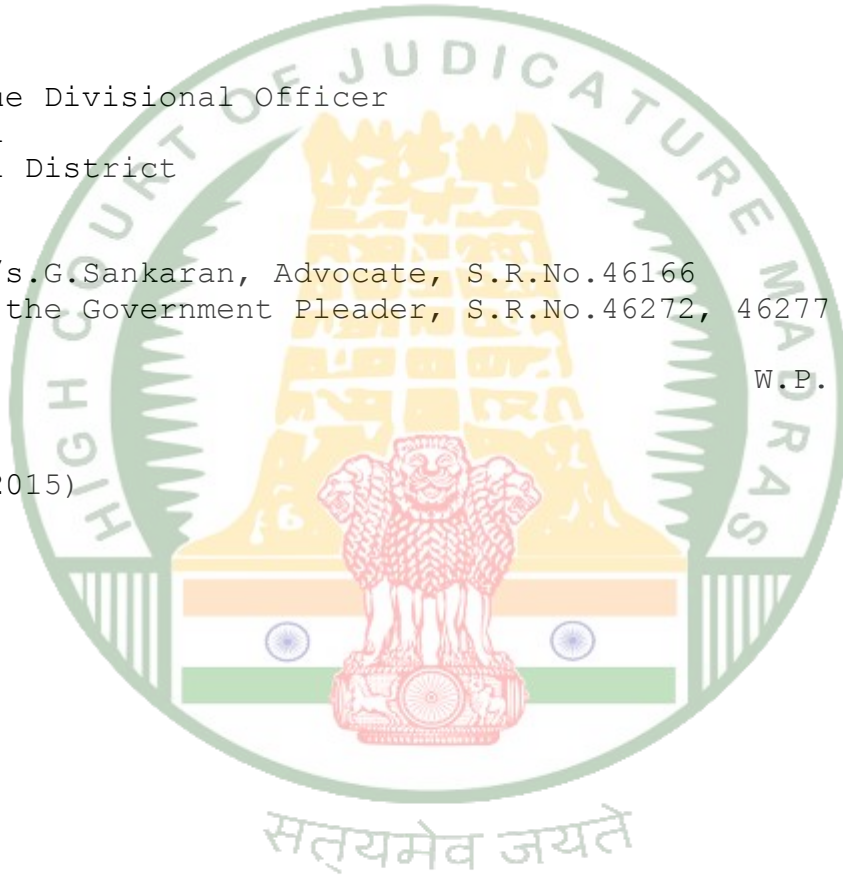
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to M/s.G.Sankaran, Advocate, S.R.No.46166
+2cc's to the Government Pleader, S.R.No.46272, 46277

W.P. No.26808 of 2015

ALA(CO)
CA(02/09/2015)



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