

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2015

CORAM:

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

W.P. No.28946 of 2015

M. Priyanka

Petitioner

vs.

The Revenue Divisional Officer
Erode

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to dispose of the representation dated 27.10.2014, pending before the respondent and consequently, directing the respondent to issue community certificate to the petitioner.

For petitioner Mr. A.V. Arumugham
for M/s. S. Kala

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

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

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 final disposal.

2 The facts in nutshell, as projected by the petitioner are that she is a B.Com. student. While her father belongs Kattu Naicken (ST) community, her mother belongs to Hindu Vaduka community which comes under Backward Caste. When she was admitted in school, her caste was given as Backward Class. Seeking to change her community status as that of his, her father made a representation dated 27 October, 2014 to the respondent. Albeit her father appeared for hearing on 16 December, 2014, as directed by the respondent vide communication dated 12 November, 2014, there has been no response from the respondent since then.

3 Hence, the instant writ petition for a direction to the respondent to consider the petitioner's representation dated 27 October 2014 and consequently, to issue community certificate to her.

4 The learned Special Government Pleader appearing for the respondent submits that appropriate orders shall be passed on the petitioner's application within a period of six weeks.

5 In view of the above submission made by the learned counsel for the petitioner, the respondent is directed to consider and pass orders on the petitioner's application dated 27.10.2014 on its own merits and in accordance with law, following the guidelines laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, which has been referred to with approval in Director of Tribal Welfare, Government of A.P. Vs. Laveti Giri and Anr.², Baswant Vs. State of Maharashtra & Ors.³, Sudhakar Vithal Kumbhare Vs. State of Maharashtra and Ors.⁴, and G.M., Indian Bank Vs. R.Rani⁵, within a period of six weeks from the date of receipt of a copy of this order.

6 The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-

Assistant Registrar

True Copy

Sub Assistant Registrar

cad

To

The Revenue Divisional Officer
Erode.

2 cc to M/s. S. Kala , Advocate Sr.No.50208

1 cc to Government Pleader.Sr.No.50483

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1 (1994) 6 SCC 241

2 (1995) 4 SCC 32

3 JT 2000 (10) SC 280

4 (2004) 9 SCC 481

5 (2007) 12 SCC 796