

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM:

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

W.P. No.30497 of 2015

1 Krishnaraj

2 Poongodi

Petitioners

vs.

The Revenue Divisional Officer
Dharmapuri

Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the order of rejection passed in Na.Ka.6245/2013/A4 dated 10.07.2015 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the first petitioner's daughter K. Thiksa and the second petitioner's children, viz., M. Gobi and M. Nandhini that they belong to Kurumans (ST) community, based upon the community certificate already issued to the first petitioner.

For petitioner Mr. V. Elangovan

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

सत्यमेव जयते

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

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

2 The petitioners are siblings. The first petitioner, claiming to be belonging to Kurumans (ST) community, submitted an application to the respondent on 10 March 2015, seeking issuance of such community certificate to his daughter by name K. Thiksa and also to the second petitioner's son and daughter, viz., M. Gobi and M. Nandhini respectively. Along with the said application, the first petitioner enclosed his community certificate in addition to certain

other documents, in support of his claim. The respondent, by the impugned order, rejected the first petitioner's application holding that the first petitioner belongs to Kurumba community which comes under Most Backward Class and not Kurumans community, as claimed by him. The said order of rejection is assailed in this writ petition. Besides, a direction is sought to the respondent to issue Kurumans (ST) community certificate to the first petitioner's daughter and the second petitioner's son and daughter.

3 We have heard the learned counsel for the parties.

4 From a perusal of the materials available on record, it is seen that the first petitioner was issued with community certificate by the Revenue Divisional Officer, Dharmapuri on 02 June 1997 stating that he belongs to Kurumans (ST) community. However, in the impugned rejection order, albeit there is a reference to the effect that the first petitioner has submitted his community certificate and other documents along with his application, the validity or otherwise of the said community certificate is not at all discussed therein. Instead, based on the enquiry conducted, the respondent has come to the conclusion that the first petitioner belongs to Kurumba community, which comes under Most Backward Class and on that score, rejected the first petitioner's application for issuance of community certificate to his daughter and the second petitioner's son and daughter.

5 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 first petitioner has been issued with community certificate on 02 June 1997 recognising his community as Kurumans (ST) community, his daughter and so also, his sister's children are entitled to get such community status.

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 first petitioner, while considering his application for grant of the same certificate for his daughter and his sister's children, 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 dis-crediting 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 first 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 For the reasons aforesaid, the impugned order dated 10 July 2015 is quashed and the respondent is directed to re-consider

the first petitioner's application afresh, in the light of the above observation and pass an appropriate order, preferably within a period of three weeks from the date of receipt of a copy of this order.

8 The writ petition stands disposed of with the aforesaid direction. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

cad

To

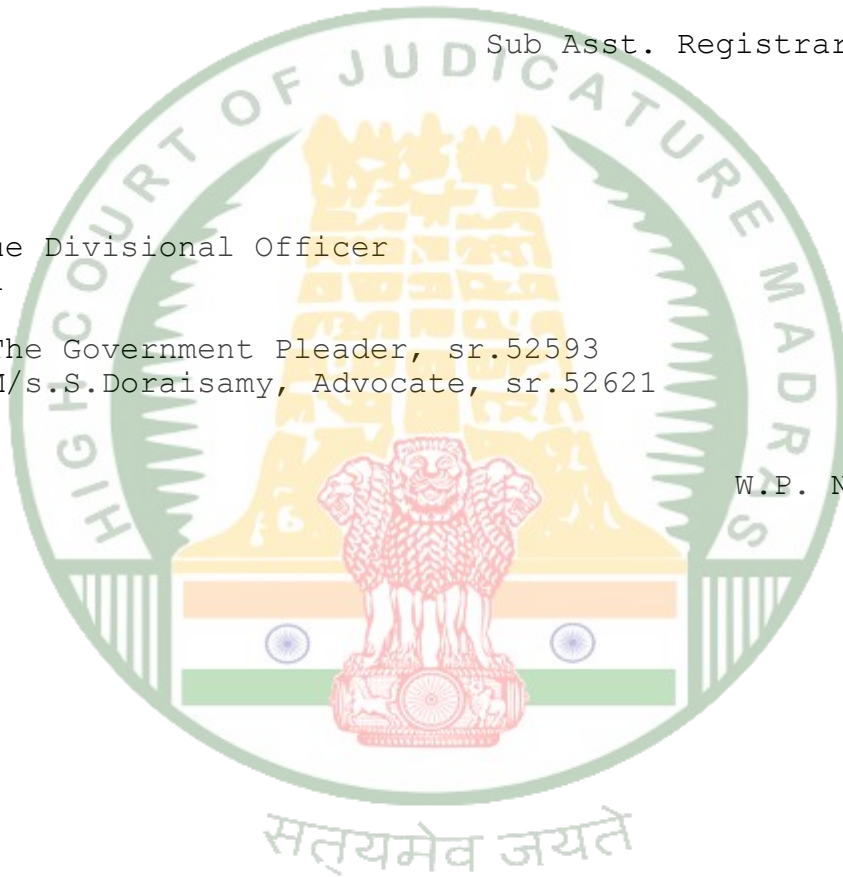
The Revenue Divisional Officer
Dharmapuri

+1 cc to The Government Pleader, sr.52593

+1 cc to M/s.S.Doraisamy, Advocate, sr.52621

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