

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15/10/2015

C O R A M

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

W.P. No.33181 of 2015

P.Shanthi ... Petitioner

Vs

The Revenue Divisional officer
Dharmapuri. ... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a writ of mandamus to direct the respondent to issue community certificate to the petitioner that she belongs to "Kurumans (ST) Community" based upon the community certificate already issued to the petitioner's husband and her children which were issued based upon the order of the State Level Scrutiny Committee dated 30/3/2015.

For petitioner : Mr.S.Doraisamy

For respondent : Mr.P.S.Sivashanmugasundaram
Spl.G.P.

O R D E R

(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 for the parties, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a direction to respondent to issue ST Kurumans community certificate to the petitioner based on the Community Certificate issued in favour of her husband and children, which were issued based upon the

order of the State Level Scrutiny Committee. Since no orders have been passed on her application dated 10.08.2015, she has come up with the instant writ petition seeking the aforestated relief.

3 From a perusal of records, it is manifest that in support of her claim that she belongs to Kurumans (S.T.) community, the petitioner has enclosed with her application, her husband's community certificate dated 06 July, 2015 issued by the respondent.

4 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 husband and children have been issued with community certificates recognising their community as Kurumans (ST) community, as a natural corollary, the petitioner is also entitled to get such community status.

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 her application for grant of the same certificate to her, 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 petitioner's husband, he has no competence to wish away 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 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 10 August 2015, on merits and in accordance with law, after conducting enquiry as per the guidelines laid down by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹. Such exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

¹ (1994) 6 SCC 241

7 The writ petition stands disposed of accordingly.
Costs made easy.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

The Revenue Divisional officer
Dharmapuri.

+1cc to Mr.S.Doraisamy, Advocate Sr.57086
+1cc to the Government pleader, Sr.57767

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