

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2015

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.33447 of 2015

R. Nischal

Petitioner

Vs.

The Sub-Collector
Hosur
Krishnagiri 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 that he belongs to Kurichchan (ST) community based upon the community certificate already issued to his father N. Ramesh.

For petitioner Mr. S. Doraisamy

For respondent Mr. N. Sakthivel
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, 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 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kurichchan (ST) community certificate to the petitioner, based upon the community certificate already issued to his father N. Ramesh.

3 The petitioner, claiming to be belonging to Kurichchan (ST) community, has made an application on 24 December 2014 to the respondent, seeking issuance of such community certificate to him. Since no orders have been passed on the said

application, he has come up with the instant writ petition, seeking the aforestated relief.

4 From a perusal of records, it is manifest that in support of his claim that he belongs to Kurichchan (ST) community, the petitioner has enclosed with his application, copies of his father's community certificates dated 29 October 1977 and 13 August 1974, issued by the District Supply Officer, Dharmapuri Collectorate and the Tahsildar, Denkanikottai, respectively.

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 petitioner's father has been issued with community certificates recognising his community as Kurichchan (ST) community, as a natural corollary, the petitioner is also 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 certificates issued to the petitioner's father, while considering his application for grant of the same certificate to him, 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 father, 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.

7 In view of the foregoing, we direct the respondent to consider and pass orders on the petitioner's application dated 24 December 2014, 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 Others¹. 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

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

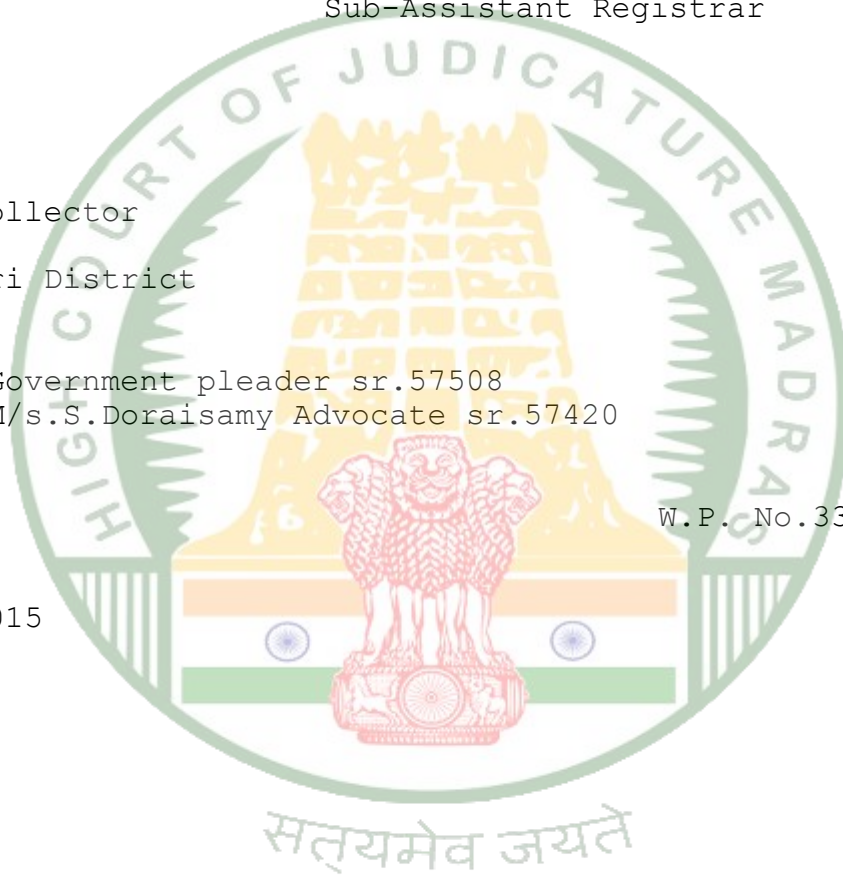
cad
To

The Sub-Collector
Hosur
Krishnagiri District

+1 cc to Government pleader sr.57508
+1 cc to M/s.S.Doraisamy Advocate sr.57420

W.P. No.33447 of 2015

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