

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.34874 of 2015 and M.P. No.1 of 2015

Sarala

Petitioner

Vs.

1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

2 The Director of Tribal Welfare
Chennai 600 005

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order bearing No.Na.Ka.No.6245/2013/A4 dated 10.07.2015 passed by the first respondent and quash the same and directing the first respondent to issue Scheduled Tribe communicate certificates to the petitioner's children viz., Roshan Kumar, Aarthi and Arun on the basis of the cultural report on Kurumans sent by the second respondent vide his letter dated 18.02.2015 to the first respondent within a reasonable time.

For petitioner

Mr. M. Radhakrishnan

For respondents

Mr. N. Sakthivel

Government Advocate

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondents. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2 Calling in question, the justifiability of the order dated 10 July 2015, whereunder, the petitioner's application for grant of Kurumans (S.T.) community certificate to her children,

was rejected, the petitioner has come up with this writ petition.

3 As per the averment in the affidavit filed in support of the writ petition, the petitioner made an application before the first respondent, seeking Kurumans (S.T.) community certificate for her children, viz., Roshan Kumar, Aarthi and Arun. The first respondent, by the impugned order dated 10 July 2015, rejected the petitioner's application, observing inter alia that he belongs to Kurumba community, which is classified as Most Backward Community and as such, community certificates as sought by the petitioner, cannot be issued to her children.

4 It is submitted by the learned counsel for the petitioner that the second respondent had submitted cultural report on Kurumans, which was circulated to all Revenue Divisional Offices for the purpose of identifying Kurumans Scheduled Tribe and also for the issuance of community certificate accordingly. The petitioner seeks fresh consideration of her application by the first respondent on the basis of the cultural report circulated under covering letter dated 18.02.2015.

5 The learned Government Advocate appearing for the respondents fairly submits that the impugned order has been passed without considering the cultural report on Kurumans and not in accordance with the guidelines prescribed by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹, which has been subsequently referred to with approval by the Supreme Court in a catena of decisions. Thus, the first respondent be permitted to withdraw the impugned order with liberty to initiate fresh enquiry and also consider the cultural report on Kurumans in accordance with the mechanism laid down by the Supreme Court, as aforesaid.

6 In view of the aforesaid submission of the learned Government Advocate, it is ordered accordingly and the first respondent is directed to complete the entire exercise within a period of six weeks from the date of receipt of a copy of this order.

1 (1994) 6 SCC 1

7 The writ petition stands disposed of with the above observations. Costs made easy. Connected Miscellaneous Petition is closed.

cad

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1 The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

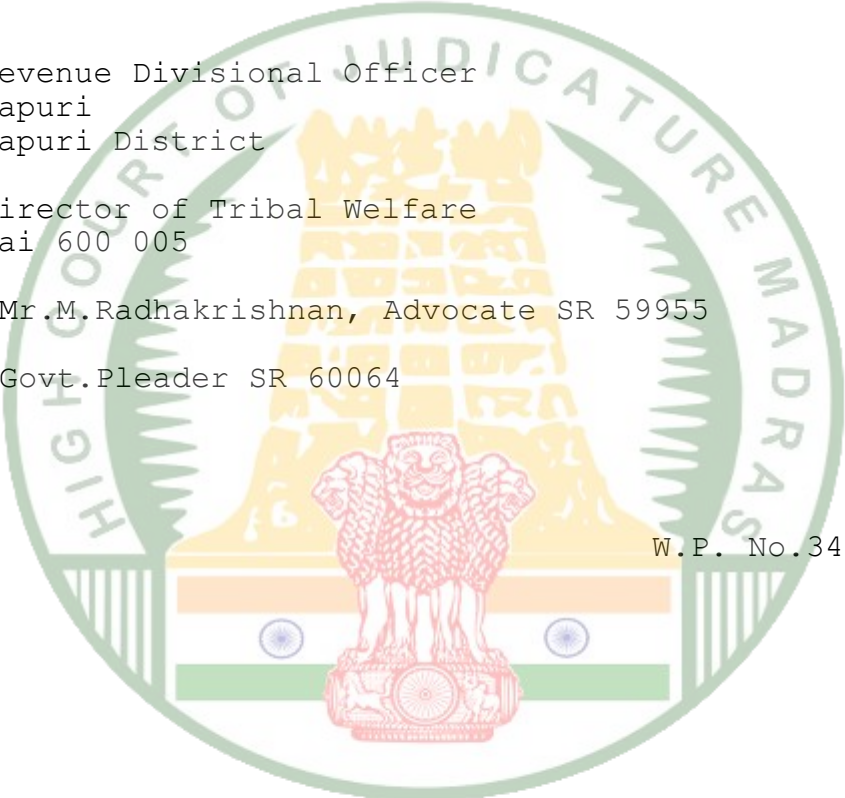
2 The Director of Tribal Welfare
Chennai 600 005

+ 1 cc to Mr.M.Radhakrishnan, Advocate SR 59955

+ 1 cc to Govt.Pleader SR 60064

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W.P. No.34874 of 2015



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