

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.34960 of 2015

G. Kalaivani

...Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

...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 impugned proceedings issued by the respondent in Na.Ka.No.6245/2013/Aa4 dated 10.07.2015 and to quash the same and consequently, directing the respondent to issue ST Kurumans community certificate in favour of the petitioner's minor children Minor J. Santhosh Kumar (son) and Minor J.Kiruthika (daughter) based on the ST community certificate issued in favour of R. Saipriya in S.No.630/2015, R.Dis.4387/2015 (Petitioner's uncle's daughter) dated 05.08.2015 and other documents and school records submitted, within a time frame.

For Petitioner : Mr. G. Sankaran

For Respondent : Mr. N. Sakthivel
Government Advocate

WEB COPY

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 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 and also, seeking a direction to the respondent to issue such certificate to her children based on such certificate issued to one R. Saipriya, who is stated to be her maternal uncle's daughter, 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 respondent, seeking Kurumans (S.T.) community certificate for her children, J. Santhosh Kumar and J. Kiruthika. The first respondent, by the impugned order dated 10 July 2015, rejected the petitioner's application, observing inter alia that she 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 According to the learned counsel for the petitioner, the impugned order is liable to be set aside, since the same has been passed by the respondent in a casual and cryptic manner, without application of mind, which is writ large on the face of it.

5 The learned Government Advocate appearing for the respondent fairly submits that the impugned order is cryptic and seems to be indicative of fact that there is no application of mind. Thus, the respondent be permitted to withdraw the impugned order and pass a fresh order in accordance with law, following the guidelines prescribed by the Supreme Court in Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others¹, which has been subsequently referred to with approval by the Supreme Court in a catena of decisions and also, taking into consideration, the materials

¹ (1994) 6 SCC 1

submitted by the petitioner in support of her claim.

6 In view of the aforesaid submission of the learned Government Advocate, it is ordered accordingly. Needless to state that the authority concerned is required to advert to all the documents submitted by the petitioner in support of her claim. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

1 CC to Mr. G. Sankaran, Advocate SR.No. 60197

1 CC to the Government Pleader, SR.No. 60079

सत्यमेव जयते

W.P. No.34960 of 2015

RSI (CO)
PSI (24/11/2015)

WEB COPY