

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR.JUSTICE P.DEVADASS

W.P.No.35791 of 2015

Kruthika Devi

..Petitioner

Vs.

The Sub-Collector
Hosur,
Krishnagiri District

..Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent - Sub Collector to issue Konda Reddis Schedule Tribe community certificate to the petitioner at the earliest.

For petitioner : Mr. V. Vargees Amal Raja

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

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 on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2. This writ petition is filed seeking a writ of mandamus directing the respondent to issue Konda Reddis (ST) community certificate to the petitioner.

3. The petitioner, claiming to be belonging to Konda Reddis (ST) community, has made an application on 12 October 2015 to the respondent, seeking issuance of such community certificate to her. Earlier, the petitioner's father also has submitted an application to the respondent on 10 September 2015 seeking such community certificate to the petitioner. Since no orders have been passed on the said applications, the petitioner 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 her claim that she belongs to Konda Reddis (ST) community, the petitioner has enclosed with her application, her father's community certificate dated 07 July 1990 and also her brother's community certificate dated 25 August 2015, both issued by the Sub-Collector, Hosur.

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 and sibling have been issued with community certificate recognising their community as Konda Reddis (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 and sibling, 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 certificates are 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 certificates issued to the petitioner's father and sibling, 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 12 October 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 Others¹. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (C.O)

/True Copy/

Sub-Assistant Registrar

To

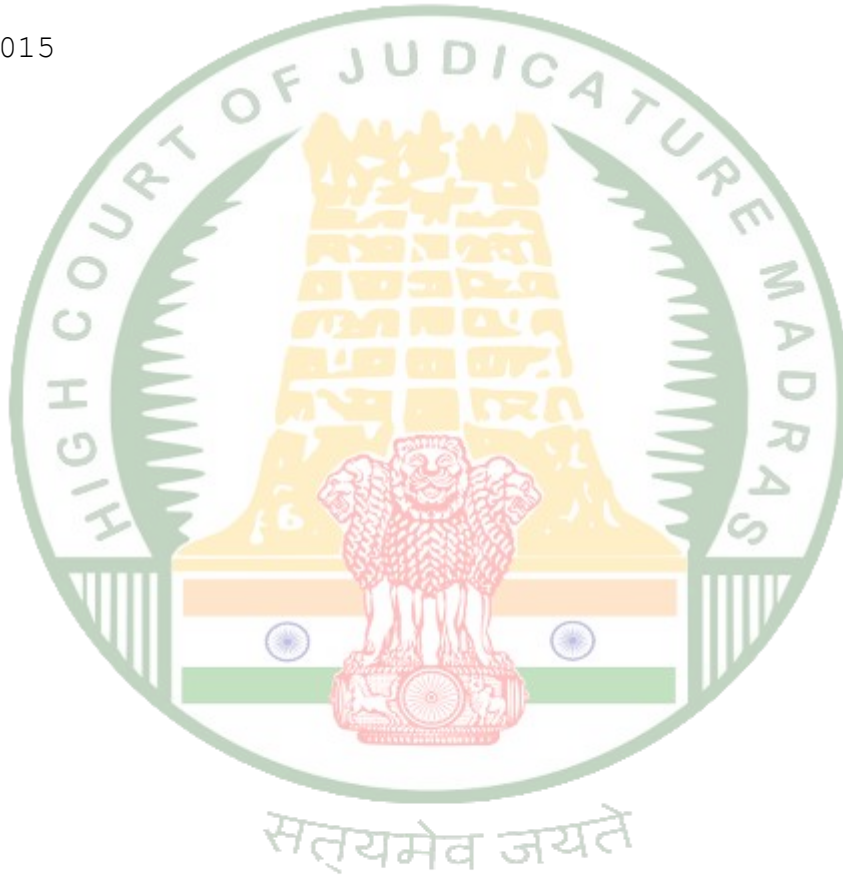
The Sub-Collector
Hosur
Krishnagiri District

+2 C.C. To MR.P.T.Perumal, Advocate in SR.NO.61080

+1 C.C. To Government Pleader in SR.NO.61434

W.P.No.35791 of 2015

AR(CO)
sd : 19/11/2015



WEB COPY