

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2015

CORAM:

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

W.P. No.37562 of 2015

V. Jeevanandan

Petitioner

Vs.

The Revenue Divisional Officer
Ranipet
Vellore District

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to consider the petitioner's application dated 09.04.2015 for the issuance of community certificate to the petitioner and his son J. Jaaswin that they belong to Kattunayakan (ST) community based upon the community certificate already issued to the petitioner's father.

For petitioner Mr. S. Doraisamy

For respondent Mrs. A. Srijayanathi
Special Government Pleader

O R D E R

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanathi, 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 consider the petitioner's

application dated 09 April 2015 for issuance of Kattunayakan (ST) community certificate to the petitioner and his son J.Jaaswin, based on the community certificate already issued to the petitioner's father.

3 The petitioner, claiming to be belonging to Kattunayakan (ST) community, has made an application to the respondent on 09 April 2015, seeking issuance of such community certificate to himself and his son J. Jaaswin. 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 eloquent that in support of his claim that he belongs to Kattunayakan (ST) community, the petitioner has enclosed with his application, his father's community certificate dated 02 September 1977 issued by the Tahsildar, Arcot, the then competent authority.

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 certificate recognising his community as Kattunayakan (ST) community, as a natural corollary, the petitioner and his son are 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 certificate issued to the petitioner's father, while considering the petitioner's application for grant of the same certificate for himself and his son, 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 discrediting 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 qua 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 pass an appropriate order on the application of the petitioner for issuance of Kattunayakan (ST) community certificate to himself and his son, within a period of two weeks from the date of receipt of a copy of this order.

8 The writ petition stands disposed of with the above direction. Costs made easy.

Sd/
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

cad

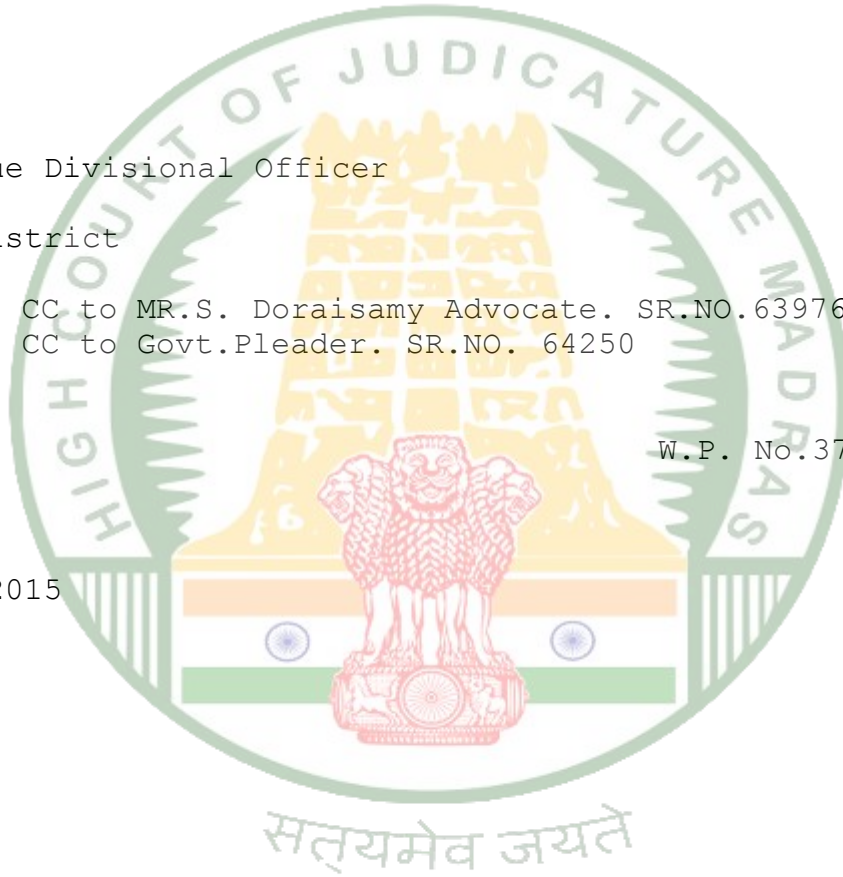
To

The Revenue Divisional Officer
Ranipet
Vellore District

+1 CC to MR.S. Doraisamy Advocate. SR.NO.63976
+1 CC to Govt.Pleader. SR.NO. 64250

W.P. No.37562 of 2015

CO-PA
JD 15/12/2015



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