

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2015

CORAM:

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

W.P. No.38752 of 2015

N. Nagalakshmi

Petitioner

Vs.

The Revenue Divisional Officer
Harur
Dharmapuri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to issue ST Kurumans community certificate in favour of the petitioner's minor children viz., L. Hemadarshini (daughter) and L. Devadarshan (son) by considering the petitioner's representation dated 17.08.2015 in the light of ST Kurumans community certificate issued in favour of the petitioner in ROC No.4804/96 (A3) dated 03.07.1996 and the ST Kurumans community certificate issued in favour of the petitioner's own brother in R.Dis.1900/12009/A5 dated 02.06.2009 and other relevant records within a time frame.

For petitioner Mr. G. Sankaran

For respondent Mr. N. Sakthivel
Government Advocate

सत्यमेव जयते
O R D E R

(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 This writ petition is filed seeking a writ of mandamus directing the respondent to issue Kurumans (ST) community certificate in favour of the petitioner's minor daughter L. Hemadarshini and her minor son L. Devadarshan by considering the

petitioner's representation dated 17 August 2015, in the light of such certificates dated 03 July 1996 and 02 June 2009 issued in favour of the petitioner and her own brother respectively and other relevant records, within a time frame.

3 The petitioner, claiming to be belonging to Kurumans (ST) community, has made an application to the respondent on 17 August 2015, seeking issuance of such community certificate to her son and daughter, as aforestated. Since no orders have been passed on the said application, she 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 her claim that she belongs to Kurumans (ST) community, the petitioner has enclosed with her application, her community certificate dated 03 July 1996 and also the community certificate dated 02 June 2009 issued to her own brother, besides certain other documents.

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 has been issued with certificate recognising her community as Kurumans (ST) community, her son and daughter 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 certificates issued to the petitioner and her brother, while considering the petitioner's application for grant of the same certificate for her son and daughter, 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 qua the genuineness of the community certificates issued to the petitioner and her brother, 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 appropriate orders on the petitioner's application dated 17 August 2015 for issuance of Kurumans (ST) community certificate to her son and daughter, 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. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

cad

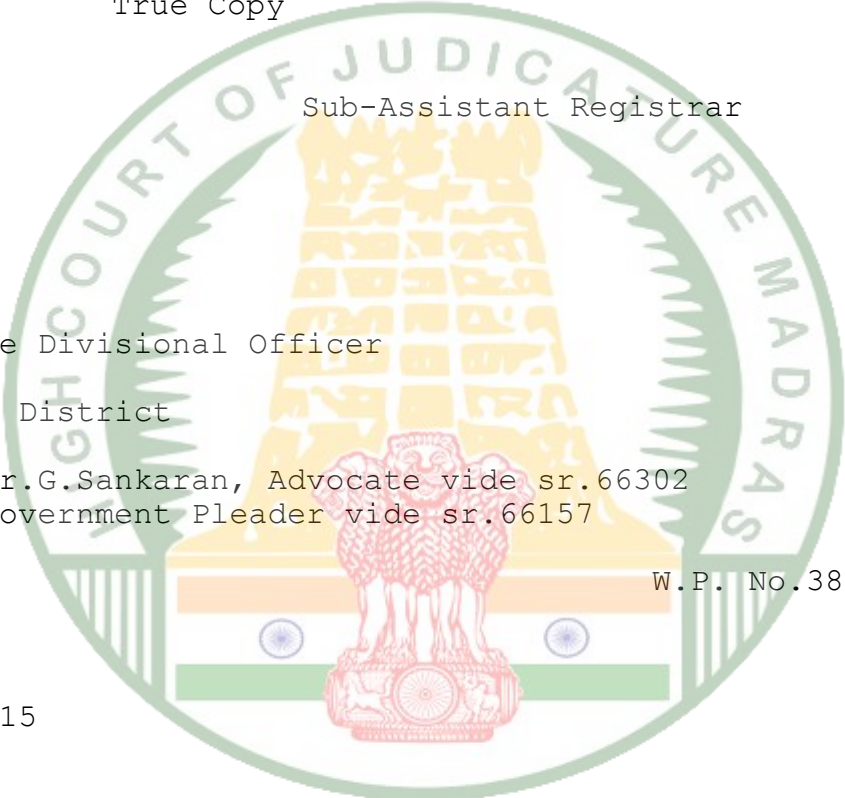
To

The Revenue Divisional Officer
Harur
Dharmapuri District

+1 cc to Mr.G.Sankaran, Advocate vide sr.66302
+1 cc to Government Pleader vide sr.66157

W.P. No.38752 of 2015

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¹ (1994) 6 SCC 241