

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM:

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

W.P. No.39462 of 2015

Minor S. Mahesh Kumar
rep. By his natural guardian,
P. Seeralan
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 mandamus directing the respondent to issue community certificate to the petitioner's minor son, namely Mahesh Kumar based on representation dated 07.06.2015.

For petitioner Mr.M. Ravi
For respondent Mr. P.S.Sivashanmugasundaram
Spl. Govt. Pleader

ORDER
(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 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 to the minor Mahesh Kumar, based on the representation dated 07 June, 2015 made by his father.

3 The father of the minor Mahesh Kumar, claiming to be belonging to Kurumans (ST) community, has made an application on 07 June, 2015 to the respondent, seeking issuance of such community certificate to his minor son Mahesh Kumar. 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 manifest that in support of his claim that he belongs to Kurumans (ST) community, the father of the minor Maheshkumar has enclosed with his application, his community certificate dated 02 June, 1997 issued by the respondent.

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 community certificate recognising his community as Kurumans (ST) community, as a natural corollary, his son 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 certificate issued to the father of the minor Mahesh Kumar, while considering the application for grant of the same certificate for 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 dis-crediting 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 about the genuineness of the community certificate issued to the father of the minor Mahesh Kumar, 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 appropriate orders on the application dated 07 June, 2015 made by the father of the minor Mahesh Kumar, 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 six weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

1 (1994) 6 SCC 241

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+ 1 cc to the Government Pleader SR 68155

+ 1 cc to Mr.M.Ravi, Advocate SR 68184

pa(co)
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