

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4255 of 2015

Santhosh

...Petitioner

Vs

1. The Principal Secretary,
Commissioner of Technical Education,
Chennai - 600 025

2. The Principal,
Selvam College & Technology,
Pappanaickenpatti Post,
Namakkal District

3. The District Collector,
O/o The District Collector,
Villupuram, Villupuram District

4. The District Adi Dravida & Tribal
Welfare Officer
Villupuram, Villupuram District

5. The Tahsildar,
Sankarapuram Taluk,
Villupuram District

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 and 2 to permit the petitioner's son to continue his study B.E.Mechanical Engineering until the production of petitioner's son community certificate issued by the competent authority.

For Petitioner : Mr.Y.Deva Arul Prasad

For Respondents : Mr.R.Vijayakumar

O R D E R

Heard Mr.Y.Deva Arul Prasad, learned counsel appearing for the petitioner and Mr.R.Vijayakumar, learned counsel appearing for the respondents. With the consent of either side, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for issuance of Writ of Mandamus to direct the respondents 1 and 2 to permit the petitioner's son to continue his study, B.E.Mechanical Engineering till the production of his son's community certificate issued by the competent authority.

3. The petitioner's son is pursuing the B.E.Mechanical Course in the 2nd respondent/College. The petitioner would state they belong Hindu-Thomban Community which is a Scheduled Caste Community and he has applied for the community certificate for his son before the 4th respondent vide application dated 20.05.2014 and the same has been forwarded to the 5th respondent for enquiry and it is pending before the 5th respondent till date.

4.The petitioner would further state that the 2nd respondent-College is insisting upon the petitioner to produce community certificate for his son, failing which they have stated that he cannot continue the course. The petitioner would also state that since the respondents 3 to 5 are yet to issue the community certificate, the petitioner's son is facing lot of difficulties and the 1st respondent vide order dated 17.12.2014 has permitted the 2nd respondent college to admit the petitioner's son and permit him to write the examination subject to the production of the community certificate within a period of 15 days.

5.In the light of the difficulties faced by the petitioner and since the matter is pending before the respondents 3 to 5 for issuance of community certificate and in the interregnum, if the petitioner's son is prevented from attending college, he will be greatly prejudiced. It is seen that several such persons are waiting for issuance of community certificate and have made representation before the District Collector, Villupuram and the same is reported in various Tamil Dailies.

5.In the light of the above facts, there shall be a direction to the respondents 3 to 5 to consider the petitioner's application for grant of community certificate for his son and expedite the enquiry in the matter and pass appropriate orders on merits and in accordance with law within a period of four months from the date of receipt of copy of this order. Till such orders are passed, the petitioner's son shall be permitted to continue his education in the 2nd respondent college and it is made clear that the continuance of his course is subject to the order to be passed by the respondents 3 to 5 in the petitioner's application for grant of community certificate. In the event the petitioner is unable to obtain the community certificate that they belong to Hindu-Thomban Community, which comes under the Scheduled Caste Community, then the petitioner's son cannot claim any equities merely on the ground that this Court permitted the petitioner's son to continue the Course.

6.With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssd

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Sankarapuram Taluk,
Villupuram District
- + 1 cc to Mr.Y.Deva Arul Prasad, Advocate Sr.9789

W.P.No.4255 of 2015

RV(CO)
Eu 28.02.15

सत्यमेव जयते

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