

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.P. No.9512 of 2015

L.Pushparaj

... Petitioner

vs.

The Revenue Divisional Officer,
Dharmapuri

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the rejection order of the respondent in proceedings in Pa.Mu.1466/14/A4 dated 09.02.2015 quash the same and direct the respondent to issue community certificate to the petitioner's sons and his grandson viz., 1. P.Arulvel, 2. P.Dhanasekaran, 3. P.Arjunnan and A.Rudhil that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his relatives.

For petitioner : Mr.S.Doraisamy

For Respondent : Mr.R.Rajeswaran,
Special Government Pleader.

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

The petitioner is stated to belong to 'Kurumans Scheduled Tribe community'. According to the petitioner, the petitioner has obtained a community certificate on 10.7.1997 duly signed by the respondent. His father was also granted community certificate to that effect on 10.7.1997. The petitioner's brother was also granted a community certificate. The petitioner made an application on 27.02.2014 for issuance of community certificate to his three sons and grandson

viz., 1. P.Arulvel, 2. P.Dhanasekaran, 3. P.Arjunnan and A.Rudhil, which was rejected by the impugned order dated 9.2.2015 on the ground that the school records of the children and grandson of the petitioner indicate that they belong to Kurumba community, not the Kuruman community as submitted by the petitioner herein.

2. Identical issue came up for consideration before this Court in several writ petitions. We clearly observed that the children derive the community from their parents and as such if a certificate is granted to the parents, particularly, father, by a competent authority and the same is not doubted by any other competent authority or set aside or modified by the higher authority viz., the State Level Scrutiny Committee, the respondent has no jurisdiction to take a contrary view on the basis of certain entries made in the School Register and other documents.

3. We have examined all the documents enclosed with the writ petition. It is noticed that the certificates were issued in favour of the petitioner and his father and his brother by the competent officer. It is not the case of the respondent that the said certificates have been found as sham and bogus by the higher authorities. In that view of the matter, there is no reason to reject the application of the petitioner on aforesaid ground, which may not sustain in view of the proper certificates issued to the father, uncle and grandfather by the competent authority.

4. For the reasons stated above, we set aside the order passed by the respondent dated 9.2.2015 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of one week from the date of receipt of the copy of this order.

5. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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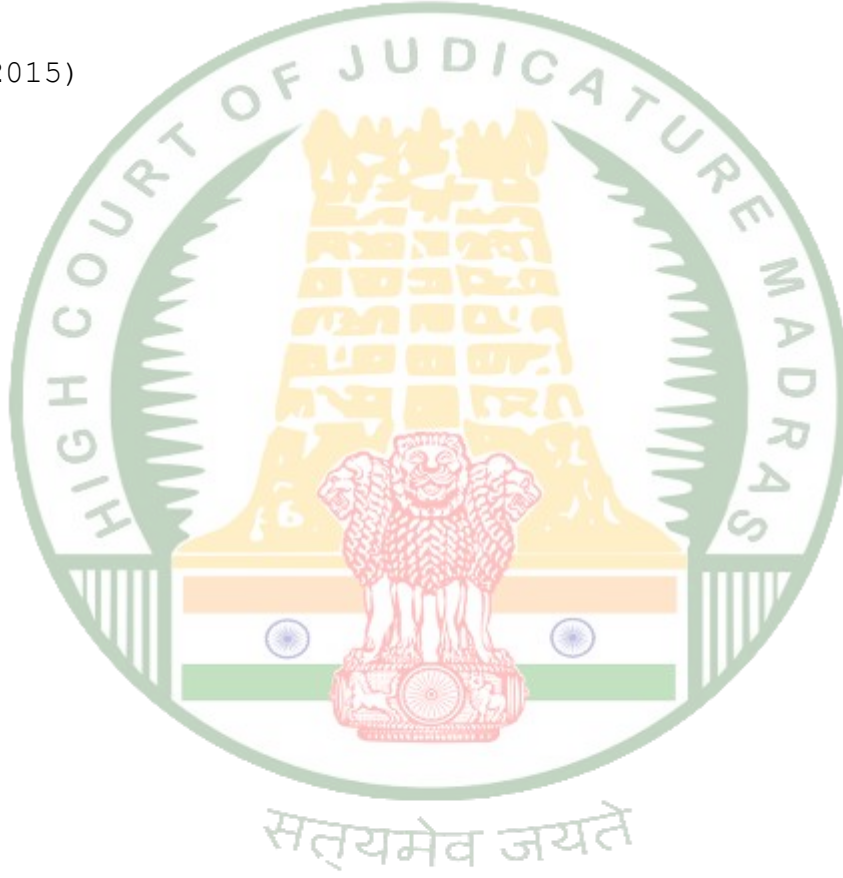
To

The Revenue Divisional Officer,
Dharmapuri

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.35456
+1cc to the Government Pleader, S.R.No.35302

W.P. No.9512 of 2015

PVR (CO)
CA (22/07/2015)



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