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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.06.2015
CORAM:
THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.P.(MD)No.6569 of 2015

1.M.Kasi Reddiar
2.K.Rajapandi ... Petitioners

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai District, Madurai.

3.R.Selvarajan

4.S.Nagalakshmi ... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned proceedings passed by the 2nd respondent herein in Na.Ka.No.6486/2014/L, dated 27.02.2015 and signed the same on 03.03.2015 and to quash the same and consequently direct the 2nd respondent herein to issue community certificate to the petitioners herein as Scheduled Tribes Konda Reddy.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.K.Chellapandian
Addl.Advocate General
Assisted by Mr.N.Manoharan
Spl.Govt.Pleader

ORDER

(Order of this Court was made by S.MANIKUMAR, J.)

Taking note of the directions issued by Hon'ble Division Bench in W.P.(MD)Nos.1335 of 2015, dated 03.02.2015, this Court on 15.06.2015 in W.P.(MD)Nos.6340 and 6341 of 2015, has passed the following orders:-

> "In W.P.(MD).No.1335 of 2015, dated 05.02.2015, the Hon'ble First Bench opined that for all the caste certificate cases which naturally require a factual adjudication, at least one appeal remedy for 'Scheduled Caste', Scheduled Tribes' and 'Backward class' should be provided, which may be in the form of scrutiny by the District Level Vigilance Committee. The Hon'ble First Bench has called upon the Secretary, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu to

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look into the matter and provide an appeal remedy for the factual scrutiny of even other cases. While disposing of a Writ Petition, W.P.(MD).No.1335/2015, dated 05.02.2015, the Hon'ble Division Bench, directed the matter to be posted for compliance on 15.04.2015. The Secretary, Adi Dravidar and Tribal Welfare Department, State of Tamil Nadu, Chennai as well as the District Level Vigilance Committee were directed to file a compliance report at least three days prior to the date fixed for compliance. Copy of the order made in W.P.(MD).No.1335 of 2015, dated 05.02.2015, has been directed to be sent to the above said authorities, though they were not party respondents to the writ petition.

2. When rejection of a request for issuance of community certificate to the present writ petitioners were assailed in W.P.(MD).Nos.6340 and 6341 of 2015, following the directions issued in W.P.(MD).No.1335/2015, dated 05.02.2015, we disposed of the W.P.(MD).Nos.6340 and 6341/2015, on the same terms. Further, we directed the Registry to post the matter for compliance on 08.06.2015. Similar writ petitions challenging the order refusing to grant community certificates are also being filed.

3. Mr.N.Manohar, learned Special Government Pleader for the State, has been taking time on the ground that discussions are being held to provide an appeal remedy, as per the orders of the Hon'ble First Division Bench made in W.P.(MD).No.1335 of 2015, dated 05.02.2015, so far, the same does not been done. Matters are periodically adjourned.

4. Needless to state that admission in professional, arts and science colleges are made on the basis of merit and rule of reservation. Unless and until, the students belonging to SC/ST/BC/MBC and denotified Communities are issued with community certificates, well in advance or the rejection is tested by an appellate authority, directed to be provided by the Hon'ble First Bench, they would find it difficult to get admission, if they are otherwise qualified. From 05.02.2015, the matter is yet to be decided by the Secretary to the Government, Adi Dravidar and Tribal Welfare Department, State of Tamil Nadu.

5. On this day, once again it is reported by the learned Special Government Pleader that discussions are going on, and Government requires further two months time. We are not satisfied with the inordinate delay in taking decision, particularly, when issuance of community certificates play a role in the matter of admission to educational institutions and therefore, we deem it fit to direct the Secretary, Adi Dravidar and Tribal Welfare Department, State of Tamil Nadu, to appear before this Court on 22.06.2015 at 10.30 a.m. to explain as to why action should not be initiated. It is made clear that if the Government comes out with any order, constituting an

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appeal remedy, the Secretary to the Government, Adi Dravidar and Tribal Welfare Department, State of Tamil Nadu need not appear. Learned Special Government Pleader is directed to communicate this order to the Secretary, Adi Dravidar and Tribal Welfare Department, State of Tamil Nadu today.

List the matter on 22.06.2015"

2. Thereafter, the present Writ Petition along with similar matters were listed on 26.06.2015. Based on G.O.Ms.No.235, Revenue [RA3(2)] Department, dated 26.06.2015, Mr.K.Chellapandian, learned Additional Advocate General, submitted that the Government have issued orders, providing an Appellate Authority, for filing an appeal, against the order passed by subordinate officers. The Government Order is extracted hereunder:-

ABSTRICT

Revenue Administration – Certificates – Issue of Community Certificates – providing appelalte authority – Orders – Issued.

Revenue [RA3(2)] Department
G.O(Ms)No.235 Dated 26.06.2015,
Aani, 11
Thiruvalluvarandu 2046

Read :

1. G.O.(Ms)No.581, Revenue Department, dated 03.04.1987
2. G.O.(Ms)No.921, Revenue Department, dated 15.06.1991
3. G.O.(2D)No.108, AD & TW Department, dated 12.09.2009
4. Orders of Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.1335 of 2015, dated 05.02.2015
4. Orders of Hon'ble Madurai Bench of Madras High Court in W.P.(MD)Nos.6340 & 6341 of 2015, dated 15.06.2015

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ORDER:

In the Government Order first read above, the duties and responsibilities for certain functionaries with executive functions such a Revenue Divisional Officers Tahsildars/ Deputy Tahsildars / Revenue Inspectors with a view to tone up the administration in the Revenue Department at the district and lower levels and to ensure normal standards of efficiency along Revenue Officials were prescribed.

2.The Hon'ble Madurai Bench of Madras High Court in the order fourth read above has ordered as follows:-

"All the caste certificate cases which naturally require a factual adjudication, at least one appeal remedy for 'Scheduled Caste', Scheduled Tribes' and 'Backward Class' should be provided, which may be in the form of scrutiny by the District Level Vigilance Committee. We thus has call upon the Secretary, Adi Dravidar and Tribal Welfare Department, Government of Tamil Nadu to look into the matter and provide an appeal remedy for the factual scrutiny of even other cases. ..... compliance".

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3. Based on the observation made by Hon'ble Madurai Bench of Madras High Court in W.P.(MD)No.1355 of 2015 that there is a need to have one appeal remedy for issue of Community Certificate to Scheduled Caste, Scheduled Tribe, Backward Classes at the District Level. Government have examined the issue with reference to Government orders issued earlier and Revenue Department's Citizens Charter 2007. Though there are general provisions for appeal against orders passed by subordinate to the immediate higher authority in the hierarchy and such provisions are being used by the public for redressal of grievances, as there is no specific mention of appellate authority in case of community certificate. The existing arrangements for issue of certificates are given below:-

S.No	Community	Issuing Authority	Redressal of Grievances
1.	Backward Classes / Most Backward Classes / Denotified Communities	Zonal Deputy Tahsildar	District Collector
2.	Scheduled Castes	Tahsildar	District Collector
3.	Scheduled Tribes	Revenue Divisional Officer	District Collector & Chairman District Level Vigilance Committee

4. In light of the observation made by the Hon'ble Madurai Bench of Madras High Court, the Government hereby orders that the appellate authority for appeal remedy with regard to issue of community certificates are as follows:-

Sl.No.	Community	Issuing Authority	Appelalte Authority	Redressal of Grievances
1.	Backward Classes / Most Backward Classes / Denotified Communities	Zonal Deputy Tahsildar	Tahsildar	District Collector
2.	Scheduled Castes	Tahsildar	Revenue Divisional Officer	District Collector
3.	Scheduled Tribes	Revenue Divisional Officer	District Collector	District Collector & Chairman District Level Vigilance Committee

5.This orders issue with the concurrence of the Adi-Dravidar and Tribal Welfare Department vide its U.O.No.4886/CV-1/2015-5, dated 26.06.2015.

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(By Order of the Governor)

R.Venkatesan,
Secretary to Government

3. Challenge in this Writ Petition is to the order of the Revenue Divisional Officer, Madurai District, Madurai, dated 27.02.2015 and signed the same on 03.03.2015, rejecting the request of petitioner for issuance of Community Certificate. In view of the aforesaid Government Order, constituting an appeal remedy, we permit the petitioner to file an appeal to the District Collector, Madurai, within 10 days from the date of receipt of a copy of this order. The petitioner is also permitted to raise all the grounds and enclose supporting documents. On receipt of the appeal, after providing an opportunity of hearing to the petitioner, the District Collector, Madurai / Appellate Authority, is directed to pass orders on the appeal, as expeditiously as possible, not later than one month thereafter.

4. With the above directions, the Writ Petition is disposed of. No costs.

5. As the Writ Petition is disposed of, appearance of Mr.Rama Arasu, Deputy Secretary, Government of Tamil Nadu, Adi Dravidar and Tribal Welfare Department, is no longer required.

6. As true copy of the impugned order is already enclosed in the typed set of papers filed along with the Writ Petition, Registry is directed to return the original impugned orders to the petitioner, after obtaining an endorsement.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To
1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Madurai District, Madurai.

Copy to

The Deputy Secretary, Government of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,, Chennai 600 009.

+1cc to M/S.A.Saravanan, Advocate in SR.No 34807

TS/30.06.2015/5P -5C

W.P.(MD)No.6569 of 2015

30.06.2015

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