



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.10689 of 2013

and

MP(MD)No.1 to 4 of 2013

P.Selvaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2.The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

5.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the Na.Ka.No. 4732/2012/A4 dated 12.12.2012 passed by the 4th respondent and quash the same and consequently direct the respondents to issue Permanent Community Certificate Card mentioning the petitioner's community as "Hindu Kattunayakkan" (Scheduled Tribe Community) within a time limit to be fixed by this Court and regularly appoint the petitioner to the post of Junior Assistant with effect from the date of appointment of those selected based on the Group IV Services Special Competitive Examination 2007 conducted by TNPSC on 17.02.2008 and attended service monetary and other benefits.

For Petitioner

: Mr.A.Thirumurthy

For Respondents 1-4

: Mr.M.Alagadevan,
Special Government Pleader.

For 5th Respondent

: Mr.K.K.Senthil

**ORDER**

(Order of the Court was made by **V. RAMASUBRAMANIAN, J.**)

The petitioner has come up with the above writ petition challenging an order passed by the Revenue Divisional Officer, refusing to accept him as a person belonging to the Hindu Kattunayakan community classified as a Scheduled Tribe.

2. Heard Mr. A. Thirumurthy, learned counsel for the petitioner, Mr. M. Alagadevan, learned Special Government Pleader for the respondents 1 to 4 and Mr. K. K. Senthil, learned counsel for the fifth respondent which is the Public Service Commission.

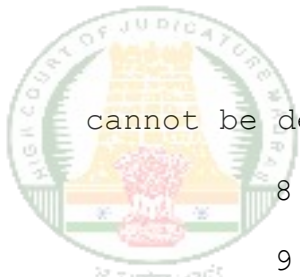
3. The petitioner was temporarily appointed after being short listed from the rolls of the Employment Exchange on 14.07.2003, in the Dindigul revenue unit as a Junior Assistant when the Government servants through out the State of Tamil Nadu went on indefinite strike. The appointment was actually on temporary basis.

4. But after several such persons enlisted from the Employment Exchange rendered services during the period of crisis, the Government came up with a scheme for the conduct of a special competitive examination in the year 2008 exclusively for those who were recruited during the said period. Those who passed the examination so conducted by the Tamil Nadu Public Service Commission were absorbed into Government service on a regular basis.

5. The petitioner also participated in the special competitive examination held in February 2008. He was found to have passed the examinations. Therefore, the Tamil Nadu Public Service Commission issued the communication dated 09.11.2010, calling upon the petitioner to furnish all the certificates in original including the community certificate. At that time, the petitioner realised that the name of his community was indicated as Hindu Oddar in the S.S.L.C Book and that in the community certificate issued by the Tahsildar, Nilakottai on 17.08.1982, the community was mentioned as Godda classified as Scheduled Caste.

6. Therefore, contending that he actually belongs to the Hindu Kattunayakkan community classified as a Scheduled Tribe, the petitioner made an application to the Revenue Divisional Officer for the issue of a community certificate. The said application was rejected by the Revenue Divisional officer by an order dated 12.12.2012 forcing the petitioner to come up with the above writ petition.

7. The short ground on which the petitioner challenges the impugned order is that his father was described as belonging to the Kattunayakkan community in a registered sale deed of the year 1981 and that his own step sister by name Suseela was also issued with a community certificate by the District Collector of Tiruvallur District way back in 1997 accepting her to belong to Kattunayakan community. Therefore, learned counsel for the petitioner, contends on the basis of a Division Bench decision of this Court in P. Thangavel Vs. Personal Assistant (General) dated 05.09.2012 that persons belonging to the same family



cannot be denied the benefit of the same community certificate.

8. We have carefully considered the above submissions.

9. It is true that in the sale deed dated 27.04.1981, the caste to which the father of the petitioner belonged, is mentioned as Kattunayakkan community. It is also true that the petitioner's step sister namely a lady born to the second wife of his father was issued with a community certificate under orders of the District Collector, Tiruvallur in 1997. It is also true that when blood relations are issued with such certificates, a few of them cannot be deprived of the same benefit.

10. But unfortunately, the tale of woes of the petitioner are partly his own making. All that the Tamil Nadu Public Service Commission wanted him to do by the communication dated 09.11.2010 was simply to produce the community certificate. The petitioner already had a community certificate issued by the competent authority on 17.08.1982 to the effect that he belonged to Godda community classified as a Scheduled Caste. If the petitioner had furnished this certificate, his services would have been regularised. But he complicated the matters by asking for a community certificate that he belonged to yet another community.

11. The grievance of the petitioner is two fold, one relating to his appointment and another relating to the order refusing to grant him community certificate. Both the grievances have to be addressed differently. Insofar as the first grievance is concerned, the petitioner can produce the community certificate which he already possesses, so that the Public Service Commission could process his claim further as they have done in the case of others. Insofar as the community certificate issue is concerned, the petitioner can now avail of the remedy of appeal before the District Collector and raise all the points.

12. Therefore, the writ petition is disposed of permitting the petitioner to file the community certificate dated 17.08.1982 that he already possesses with the Public Service Commission. On the basis of the said community certificate, the Public Service Commission shall process the claim of the petitioner further and pass orders within eight weeks.

13. Insofar as the community certificate issue is concerned, the petitioner may file an appeal to the District Collector against the order of the Revenue Divisional Officer impugned in this writ petition, within four weeks enclosing all necessary documents. The District Collector, shall thereafter hold an enquiry and take a decision in accordance with law within a further period of twelve weeks. No costs. Consequently, M.P (MD) Nos.1 to 4 of 2013 are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar



1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2.The Commissioner,
Adi Dravidar and Tribal Welfare Department,
Chepaukl, Chennai 600 005.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Revenue Divisional Officer,
Dindigul,
Dindigul District

5.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

+one cc to Mr.A.Thirumurthy, Advocate in SR.No.64853
+one cc to Mr.K.K.Senthil, Advocate in SR.No.65751

NS/SKS-RR/19.11.2015/4P/8C

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