

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI

and

THE HON'BLE DR. JUSTICE P. DEVADASS

W.P. No.1401 of 2016

K. Nagaraj

Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

Respondent

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent to pass orders on the petitioner's application dated 14.08.2015 for the issuance of community certificate to his children viz., 1. N. Ashwini and 2. N. Kiruthika that they belong to Kurumans (ST) community, based upon the community certificate already issued to the petitioner's blood relatives.

For petitioner Mr. S. Doraisamy

For respondent Mr. N. Sakthivel
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. N. Sakthivel, learned Government Advocate, accepts notice for the respondent. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed seeking a writ of mandamus directing the respondent to pass orders on the petitioner's application dated 14 August 2015 for issuance of Kurumans (ST) community certificate to his children viz., N. Ashwini and N. Kiruthika, based upon the community certificate already issued to his father's brother's son, viz., M. Govindaraj.

3 The petitioner, claiming to be belonging to Kurumans (ST) community, has made an application to the respondent on 14 August 2015, seeking issuance of such community certificate to his children. 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 eloquent that in support of his claim that he belongs to Kurumans (ST) community, the petitioner has enclosed with his application, his paternal cousin's community certificate dated 19 May 1977 issued by the Revenue Divisional Officer, Dharmapuri.

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's paternal cousin has been issued with Kurumans (ST) community certificate, such certificate does have a high probative value. However, it is well within the power of the competent officer concerned to examine the relationship of the said person with the applicant.

6 Needless to state that if any doubt crops up in the mind of the competent authority qua the genuineness of the community certificate relied on by the petitioner, while considering his application for grant of the same certificate for his children, 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 qua the genuineness of the community certificate relied on by the petitioner, 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 pass an appropriate order on the petitioner's application dated 14 August 2015 within a period of two months from the date of receipt of a copy of this order, in the light of the order dated 21 December 2015 passed by this Bench in G.Venkitasamy and V. Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maaligai, Fort St. George, Chennai - 9¹.

1 W.P.Nos.30368 and 31973 of 2015

8 The writ petition stands disposed of with the above direction. Costs made easy.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

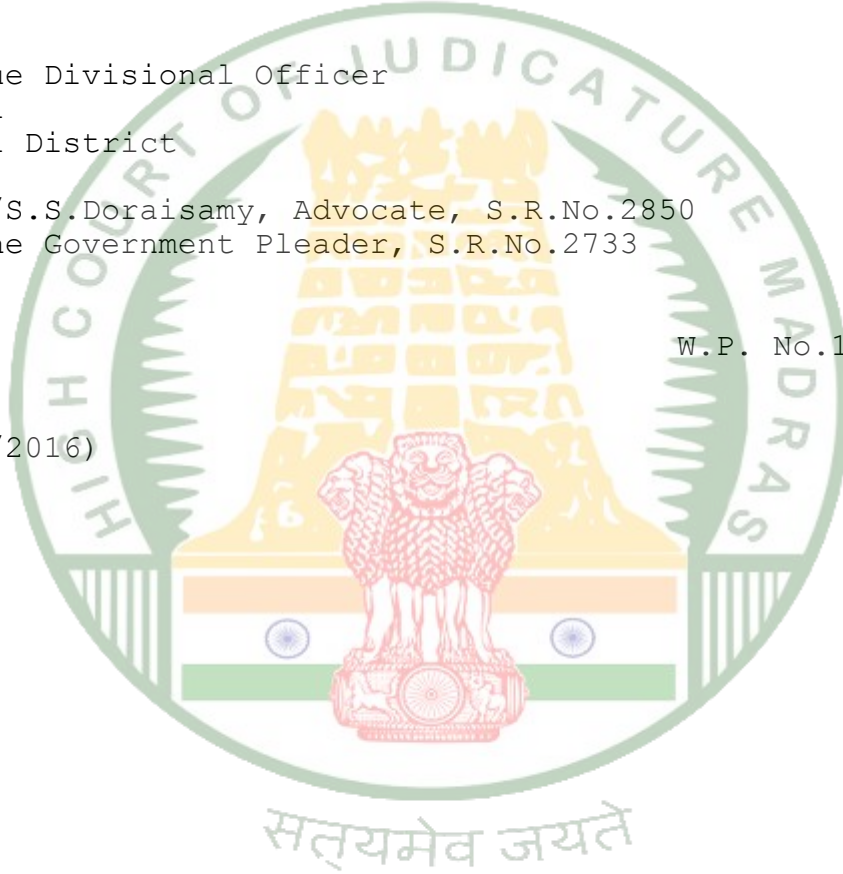
To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to M/S.S.Doraisamy, Advocate, S.R.No.2850
+1cc to the Government Pleader, S.R.No.2733

W.P. No.1401 of 2016

ad(CO)
srg(27/01/2016)



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