

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 3.6.2016

CORAM:

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. No.3159 of 2015

M.Kumaresan ... petitioner

versus

The Revenue Divisional Officer,
Krishnagiri ... respondent

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings in Na.Ka.4023/2007/F dated 04.07.2008 quash the same and direct the respondent to issue community certificate in the proper format to the petitioner and his children K.Bhavani and K.Prabakar that they belong to Kurumans (ST) community based upon the community certificate already possessed by the petitioner and the report of the District Vigilance Committee Krishnagiri dated 01.08.2007 in ROV.23653/2004(L3) dated 07.2007.

For petitioner :Mr.S.Doraisamy

For Respondents :Mrs.A.Srijayanthi,
Spl. Govt. Pleader

सतयमेव जयते
O R D E R

(made by HULUVADI G.RAMESH, J.)

Heard the learned counsel for the petitioner and the learned Special Government Pleader.

2. The petitioner secured employment as Junior Assistant in Block Development Office, Shoolagiri, claiming that he belongs to Schedule Tribe Community. Since the genuineness of the community certificate was put in question, the certificate was referred to the District Vigilance Committee, Krishnagiri. The Committee, headed by the District Collector and two other members, conducted personal enquiry of the petitioner and later came to the conclusion that he belongs to "Kurumans" community,

which is notified as Scheduled Tribe Community. However, the respondent, Revenue Divisional Officer, a subordinate officer to the District Collector, has passed the impugned order stating that the petitioner does not belong to "Kurumans Community". Assailing the said order, the present Writ Petition has been filed.

3. The impugned order is set aside on the sole ground that the veracity and genuineness of the community certificate issued to the petitioner was verified by a District Vigilance Committee, headed by the District Collector. Such a well merited order cannot be overruled by a subordinate officer in the rank of Revenue Divisional Officer, on flimsy grounds. Hence the impugned order is set aside and the Writ Petition is allowed. The order passed by the District Vigilance Committee is upheld. The respondent is directed to issue community certificate to the petitioner and his children, based on the findings arrived at by the District Vigilance Committee, Krishnagiri, in its order dated 1.8.2007, as early as possible, and in any case, within a period of two months from the date of receipt of a copy of this order.

4. In the result, the Writ Petition is allowed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

The Revenue Divisional Officer,
Krishnagiri

+1 cc to Mr.S.Doraisamy Advocate sr.29750/16

+1 cc to Government pleader sr.31245/16

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