

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.37141 of 2016 & WMP No.31911 of 2016

Mrs.S.Vijaya Prabha
Petitioner

Vs.

- 1.The District Collector
Ariyalur District, Ariyalur.
- 2.The Secretary
Adi Dravidar and Tribal Welfare
Department, Secretariat, Chennai.
- 3.The District Adi Dravidar & Tribal
Welfare Officer, Department of
Adi Dravidar & Tribal Welfare
Ariyalur.
- 4.The District Level Vigilance Committee
Ariyalur, Ariyalur District.
- 5.The Tahsildar
Ariyalur.
- 6.The Dean
Theni Government Medical College
Theni.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus calling for the records relating to the proceedings of the 4th respondent in Rc [Na.Ka.] No.W1/7004/2014 dated 22.08.2016 and quash the same and direct the 4th respondent to issue the Genuineness Certificate confirming that the petitioner belongs to Hindu Pallan.

For Petitioner : Mr.T.V.Suresh Kumar
For Respondents : Mr.R.Prathap Kumar
Additional Government Pleader

ORDER

[Order of the Court was made by HULUVADI G.RAMESH, J.]

Heard Mr.T.V.Suresh Kumar, learned counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Government Pleader representing the respondents.

2 The petitioner, seeks to quash the proceedings of the 4th respondent dated 22.08.2016, in and by which, the Community Certificate issued to the petitioner by the Tahsildar, Ariyalur, was declared as "Not Genuine" by the District Vigilance and Monitoring Committee, Ariyalur District, dated 16.08.2016, with a further prayer to direct the 4th respondent to issue a Genuine Community Certificate, stating that the petitioner belongs to Hindu [Pallar] Community.

3 In the accompanying affidavit filed in support of the Writ Petition, it is stated that the petitioner belongs to Hindu [Pallar] Community and that after securing the required cut-off marks, she joined the 6th respondent / College in the year 2009 under Scheduled Caste Quota. It is the further case of the petitioner that after completing the course successfully, she was issued with an Attempt Certificate dated 21.05.2015 by the 6th respondent and she has also completed one year Compulsory Rotatory Resident Internship. Subsequently, she had registered herself with the Tamilnadu Medical Council vide Registration No.113584 for practicing the profession. The further case of the petitioner is that her ancestors have converted themselves from Christianity to Hindu and her parents, viz., Aruldoss and Anthoniammal, re-converted to Hindu, on 01.01.1995, through Vishva Hindu Parishad, Salem and that necessary fees has also been paid on 01.01.1995. The date of conversion of religion was also intimated to the petitioner's father by the Vishva Hindu Parishad on 21.12.1994 itself. Subsequent to the said conversion, the parents of the petitioner were issued with Community Certificates bearing Regn.Nos.4422054 and 4422053 respectively dated 07.11.1995. The petitioner was also issued with a Community Certificate dated 18.08.2015, vide Certificate No.3534294, as "Hindu [Pallan]". The said community is classified as Scheduled Caste under the Schedules Caste and Scheduled Tribe Orders [Amendment] Act, 1976, vide Sl.No.49. The Community Certificate issued to the petitioner was certified as "genuine" by the Sub-Collector's letter dated 24.03.2015 ,

the Revenue Inspector, the Village Administrative Officer and the 1st respondent herein. Further, the Vishva Hindu Parishad has also issued a letter dated 07.07.2015 stating that the petitioner's parents have duly followed the procedures and converted their religion.

4 While so, on 21.11.2014, the 6th respondent / College sent a letter to the 4th respondent / Committee, based on which, the petitioner received a letter dated 15.07.2015 from the 4th respondent asking the petitioner to appear for an enquiry to be conducted on 21.07.2015. On the said date, the petitioner along with her parents appeared and made her submissions and also furnished relevant documents. On 11.09.2015 also, the petitioner was made to appear for the enquiry. The petitioner also received a letter from the 4th respondent / Committee on 18.07.2016 to appear for an enquiry to be held on 28.07.2016. Though the petitioner appeared for the enquiry on the said date, no enquiry was conducted by the 4th respondent and the petitioner produced some additional documents to substantiate her case ; but the 4th respondent informed the petitioner that whatever documents produced by the petitioner on the earlier enquiry, would be suffice for taking a decision. While the petitioner was waiting for a positive reply from the 4th respondent as regards the genuinity of her Community Certificate, to her shock and surprise, she received the impugned order dated 16.08.2016 on 22.08.2016, on the ground that on the date of conversion of the religion, i.e., on 01.01.1995, no authentic documents from the qualified Religious Gurumarkal, viz., Arya Samaj, Vishva Hindu Parishad and other recognised/authorised Gurumarkal/Aadeenangal, have been produced. Aggrieved by the said order, the petitioner is before this Court, with the present writ petition.

5 By virtue of the interim order passed by this Court on 24.10.2016, the petitioner was once again directed to produce all necessary documents, in support of her claim and to show that she belongs to Hindu [Pallan] Community. Earlier, the Community Certificate issued to the petitioner mentioning that she belongs to "Hindu [Pallan]" community, was held to be "not genuine" vide the order of the District Level Vigilance Committee, the 4th respondent herein, dated 16.08.2016. It appears that pursuant to the said direction of this Court, the petitioner, vide her representation dated 11.11.2016, sent to the District Collector, Ariyalur District, the 1st respondent herein, has categorically reiterated about the re-conversion of the community by her parents through the recognised Hindu Gurumarkal, viz., the Vishva Hindu Parishad and the details of the same has been narrated in paragraph 3 of the said representation. She has also annexed the relevant documents, numbering 12, to substantiate her case. Now, the petitioner

prays for further time to produce other relevant documents.

6 In the light of the above, the petitioner is granted fifteen days time from the date of receipt of a copy of this order, to submit the additional documents, if any, on which, much reliance has been placed by her before the 4th respondent and on receipt of any such additional documents, the 4th respondent, shall re-consider all the material documents, afford an opportunity of hearing to the petitioner, if need be and pass appropriate orders on merits and in accordance with law within a period of two months from the date of receipt of such documents.

7 Insofar as the return of the documents, which are in the custody of the 6th respondent / College, it is for the petitioner to prove the genuinity of the Community Certificate, based on which, she secured the seat in the 6th respondent / College and once, the petitioner produces the genuineness Certificate regarding her Community before the authority concerned, viz., the 6th respondent / College, and if the 6th respondent / College finds that the Community Certificate is in order, it is for the said authority to consider the same and return/release the documents to the petitioner forthwith.

8 With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The District Collector
Ariyalur District, Ariyalur.
- 2.The Secretary
Adi Dravidar and Tribal Welfare
Department, Secretariat, Chennai.

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3.The District Adi Dravidar & Tribal
Welfare Officer, Department of
Adi Dravidar & Tribal Welfare
Ariyalur.

4.The District Level Vigilance Committee
Ariyalur, Ariyalur District.

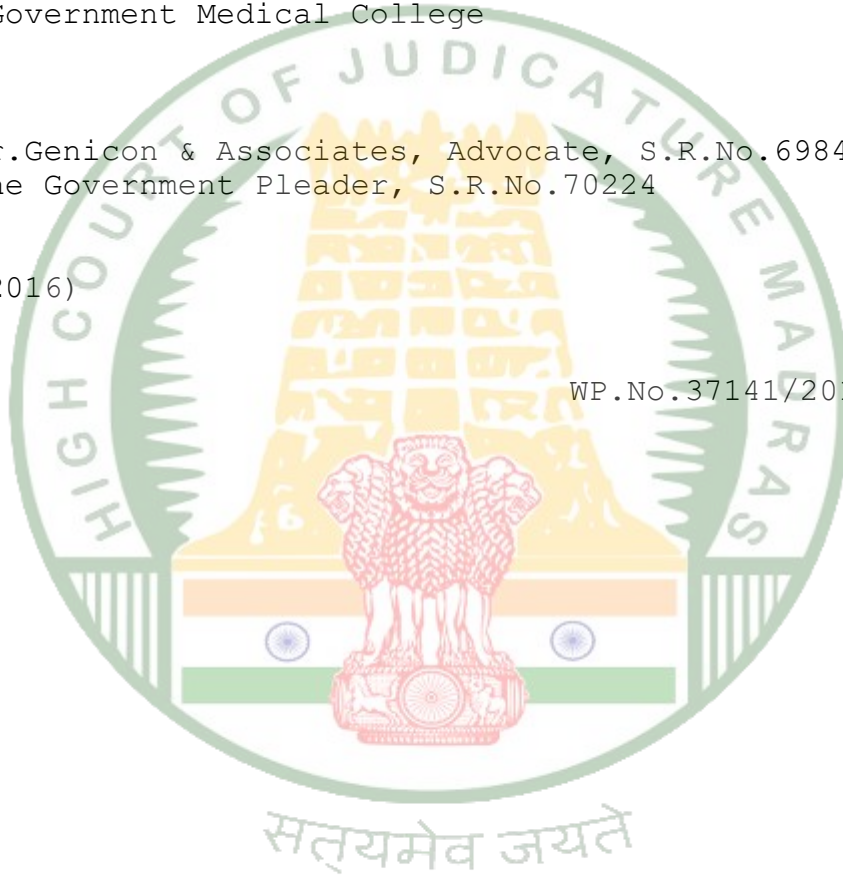
5.The Tahsildar
Ariyalur.

6.The Dean
Theni Government Medical College
Theni.

+lcc to Mr.Genicon & Associates, Advocate, S.R.No.69848
+lcc to the Government Pleader, S.R.No.70224

pus (CO)
md(28/12/2016)

WP.No.37141/2016



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