

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.41089 of 2016

1 S.Shanthi ..Petitioner
vs.

1 The Revenue Divisional Officer
Kallakurichi
Villupuram District

2 The Tahsildar
Sankarapuram
Villupuram District ..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the 1st respondent to issue Community Certificate to the petitioner's two Children namely S.Manikandan and S.Swetha, describing them as Hindu Malayali (ST) based on the petitioner's application dated 23.5.2016 and representation dated 18.7.2016 and relying upon G.O.Ms. No.477 Social Welfare Department dated 27.6.1975 within a reasonable period may be fixed by this Honourable Court.

For Petitioner :: Mr.P.Rajavel

For Respondents :: Mr.R.Prathap Kumar,
Additional Government Pleader

ORDER

(Order of the Court was made by HULUVADI G.RAMESH, J.)

Heard Mr.P.Rajavel, learned counsel for the petitioner and Mr.R.Prathap Kumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

2. The petitioner, seeks a direction to the 1st respondent to issue community certificate to her children

that they belong to "Hindu Malayali" (ST) based on her application dated 23.05.2016 and representation dated 18.07.2016 and in the light of G.O.Ms.No.477 Social Welfare Department, dated 27.06.1975.

3. In the accompanying affidavit filed in support of the Writ Petition, it is stated that the petitioner belongs to "Hindu Malayali" (ST) community and she married one K.Selvam, who belongs to "Hindu Sammalar Community" (B.C.). It is also stated that the petitioner's two children viz., S.Manikandan and Swetha be considered as "Hindu Malayali" ST community, for the purpose of higher education.

4. Mr.R.Prathap Kumar, learned Additional Government Pleader, who accepted notice for the respondents, submits that the first respondent may be directed to conduct enquiry, in respect of issuance of community certificate to the petitioner, after considering the aspects such as place of abode, permanent abode, permanent original residence of the parents etc, in the light of the Government Orders issued in this regard.

5. Having considering the submissions made on either side, we direct the petitioner to submit a detailed representation/explanation, regarding her original abode and other details and her entitlement for "Hindu Malayali" (ST) community certificate, she sought for. On receipt of such detailed representation from the petitioner, the 1st respondent is directed to investigate the application, in an open and transparent fashion, affording opportunity of hearing to the petitioner. In which process, as repeatedly held by this Court, the candidate shall have full liberty to explain the documents placed by him or collected by the investigating agency and he shall have opportunity to cross examine the witnesses, if required. The entire exercise shall be completed by the 1st respondent, as stipulated by the Supreme Court, in the case of Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and Others¹, (1994) 6 SCC 1, and pass necessary orders, within 3 months from the date of receipt of a copy of this order. The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

nvsri

1 (1994) 6 SCC 1

To

1 The Revenue Divisional Officer
Kallakurichi
Villupuram District

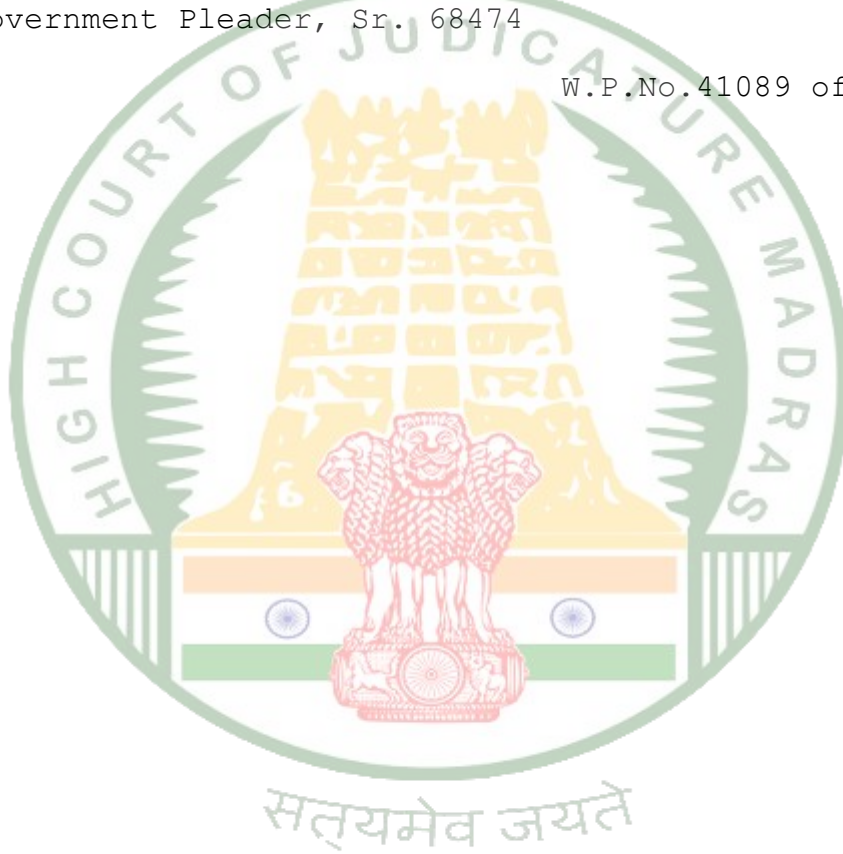
2 The Tahsildar
Sankarapuram
Villupuram District

1 cc to Mr. Rajavel, Advocate, Sr. 68051

1 cc to Government Pleader, Sr. 68474

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