

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M. VENUGOPAL

W.P. No.5039 of 2016

N. Madhavan

Petitioner

Vs.

1 The Assistant Collector  
Tirupattur  
Vellore District 635 601

2 The Village Administrative Officer  
Kadirimangalam Village  
Tirupattur  
Vellore District 635 601

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records in the order bearing no.Na.Ka.A1/3839/2015 dated 21.12.2015 passed by the first respondent and quashing the same and directing the first respondent to issue a Kurumans Scheduled Tribe community certificate to the petitioner.

For petitioner Mr. M. Radhakrishnan

For respondents Mrs. A. Srijayanthi

Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mrs. A. Srijayanthi, learned Special Government Pleader, accepts notice for the respondents. With consent, the writ petition is taken up for final disposal, at the admission stage itself.

2 This writ petition is filed calling in question, the justifiability of the memo dated 21 December 2015 passed by the first respondent, viz., the Assistant Collector, Tirupattur, Vellore District, whereby and whereunder, the petitioner has been informed that his online application for issuance of Hindu Kurumans (ST) community certificate to him, has been dismissed online on 26 August 2015.

3 The petitioner has approached this Court earlier in W.P.No.25497 of 2015, seeking a writ of mandamus directing the first respondent therein to consider his online application dated 03 July 2015 for issuance of Kurumans (ST) community certificate to him on the basis of cultural report on Kurumans sent by the second respondent therein vide his letter dated 18 February 2015 to the first respondent and decide the same in accordance with law.

4 A Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, disposed of the said writ petition, directing as under:

"7 In view of the foregoing, the first respondent shall examine the petitioner's case, keeping in mind, the decision of the Supreme Court in Kumari Madhuri Patil (supra) and in the light of the Cultural Report on Kurumans sent by the second respondent to the first respondent, vide his letter dated 18<sup>th</sup> February 2015 and so also the Circular dated 21<sup>st</sup> January 2011 (supra). The Cultural Report may not be a conclusive and final proof. Yet, the said report is one of the material documents while considering the petitioner's application for issuance of community certificate. Thus, the first respondent is directed to pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order."

5 Pursuant to the aforesaid order of this Court, the memo sought to be impugned herein has been passed by the first respondent. The impugned memo does not indicate as to whether relationship of the petitioner with his relative whose community certificate has been duly verified and confirmed by the District Vigilance Committee, was examined before the petitioner's application was rejected. It is also not reflected in the impugned memo as to what reports were submitted by other concerned authorities. Seemingly, the first respondent is ignorant of the requirements of examination of an application for issuance of community certificate.

6 Accordingly, we set aside the impugned memo passed by the first respondent and direct the first respondent to examine the relationship of the petitioner with his relative, whose community certificate has been duly verified and confirmed by the District Vigilance Committee and take a decision in accordance with law and in the light of the decision of this Court 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 - 9<sup>1</sup>. The petitioner is directed to submit all the required documents to the first respondent within a period of one week and within a period of two weeks thereafter, the first respondent is directed to pass appropriate orders, as aforestated.

The writ petition stands disposed of with the aforestated directions. Costs made easy.

cad

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

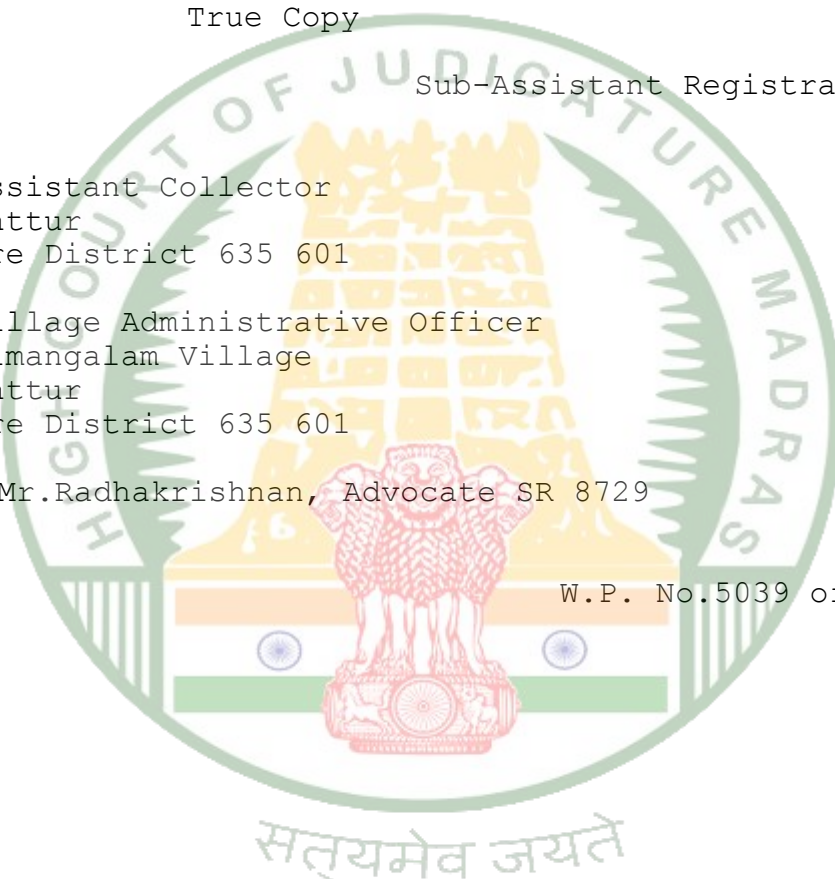
1 The Assistant Collector  
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+ 1 cc to Mr.Radhakrishnan, Advocate SR 8729

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W.P. No.5039 of 2016



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