

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2016

CORAM:

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

W.P. No.8926 of 2016

C. Jaisankar

... Petitioner

Vs.

The Revenue Divisional Officer  
Harur  
Dharmapuri District

... Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records relating to the rejection order of the respondent in proceedings in Na.Ka.2509/2015(A1) dated 14.12.2015, quash the same and direct the respondent to issue community certificate to the petitioner's children, viz., 1) Minor J. Hariharan and 2) Minor J. Keerthi, that they belong to "Kurumans (ST) community" based upon the community certificate possessed by the petitioner dated 23.07.1996 and 21.11.2013 and his close blood relatives.

For petitioner : Mr. S. Doraisamy

For respondent : Mr. G. Sai Baba  
Government Advocate

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. G. Sai Baba, learned Government Advocate, accepts notice for the respondent. With consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The facts relevant and germane for the disposal of this case are that the petitioner made an application to the respondent on 20 February 2009 seeking Kurumans (ST) community certificate to his minor son and daughter, viz., J.Hariharan and J.Keerthi respectively. Since no order was passed on his application, the petitioner filed a writ petition being W.P. No.23120 of 2015 seeking a direction to the respondent to issue

community certificate to his children, based on the community certificates already issued to himself and his close blood relatives. The said writ petition was disposed of by a Division Bench of this Court directing the petitioner to appear for enquiry on 18 August 2015 with all relevant documents with a further direction to the respondent to examine the petitioner's application in the light of the documents relied on by him. Pursuant thereto, by the impugned order dated 14 December 2015, the petitioner has been informed that a communication has been sent to the State Level Scrutiny Committee, Chennai, seeking advice and that based on the Committee's advice, action would be taken. On the same day, yet another order was addressed to the learned Government Advocate stating that since the school records of the petitioner's children reflect that they belong to Hindu Kurumba community, a communication has been sent to the State Level Scrutiny Committee, Chennai, seeking advice qua issuance of community certificate to the petitioner's children and that based on the Committee's advice, action would be taken. Assailing these two orders, the petitioner has filed the instant writ petition.

3. The learned counsel for the petitioner submits that despite repeated orders passed by this Court, the authorities, having no regard to the mechanism and law qua issuance of community certificates, are taking their own time and not disposing of the applications on merits, within the prescribed time.

4. Mr. G. Sai Baba, learned Government Advocate would submit that since the matter has been referred to the State Level Scrutiny Committee, a direction may be issued to the said Committee to consider and decide the matter within a stipulated time.

5. We have heard the learned counsel for the parties and perused the pleadings and documents appended thereto.

6. In the earlier round of writ petition preferred by the petitioner, a direction was issued to the respondent to examine the petitioner's application in the light of the documents and pass appropriate orders within a period of two weeks. No order was passed within a period of two weeks. However, subsequently, the two impugned orders have come to be passed, as aforesaid.

7. Be that as it may, we are not inclined to make any observation on the merits of the case, at this stage. However, we make it clear that once a time schedule is determined by the Courts qua issuance of community certificates, the authorities cannot take their own time in regard thereto.

8. 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>, a Division Bench of this Court, wherein, one of us (Satish K. Agnihotri, J.) was a Member, while examining a matter qua issuance of community certificate, laid down guidelines specifying two months time to take a decision in the matter. In the case on hand, it appears that the matter was referred to the State Level Scrutiny Committee in December 2015. Till date, no decision has been taken.

9. In such view of the matter, the State Level Scrutiny Committee is directed to examine the petitioner's case on its own merits and in accordance with law and take a decision within a period of four weeks and also communicate its decision to the respondent, to take follow up action in the petitioner's pending application, within a period of two weeks thereafter.

The writ petition stands disposed of with the above directions. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cad

To

1.The Revenue Divisional Officer  
Harur  
Dharmapuri District

2.The Secretary/Chairman,  
State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavingar Maaligai,  
Fort St. George, Chennai - 9

W.P. No.8926 of 2016

SKV(CO)  
CA(23/03/2016)

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