

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.11.2017

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.30184 of 2017
and
W.M.P.No.32812 of 2017

R.S.Priya

... Petitioner

vs.

- 1.The Thasildar,
Sankarapuram Taluk,
Villupuram District.
- 2.The Revenue Divisional Officer,
Kallakuruchi Taluk,
Villupuram District.
- 3.The District Collector,
Villupuram District,
Villupuram.
- 4.The Chairman Cum Secretary,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai 9.
- 5.The Director,
Tribal Welfare Department,
Government of Tamil Nadu,
Chepauk,
Chennai 600 005.
- 6.Controller of Examination,
Tamil Nadu Dr.MGR Medical University,
No.69, Anna Salai,
Guindy,
Chennai 600 032.

7.The Principal,
Adhiparasakthi Dental
College & Hospital,
Melmaruvathur 603 319,
Kancheepuram District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the fourth respondent to dispose of the appeal on merits pending on the file of the fourth respondent dated 30.10.2017 against the order of the third respondent bearing Na.Ka.No.M5/21812/2017, dated 21.09.2017 confirming the orders of the second respondent bearing Na.Ka.No.A7/3067/2016, dated 28.06.2016 in the matter of issuance of Community Certificate of Malak Kuravan from Sankarapuram Taluk to the petitioner within the time stipulated by this Court and consequently, refrain the sixth and seventh respondents from any manner interfering or disrupting the education of the petitioner in continuing her studies in BDS Course for the Academic Year 2016-2017 for want of production of the said Community Certificate until the disposal of the appeal by the fourth respondent.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.S.N.Parthasarathy
(Govt. Advocate)

O R D E R

(Order of the Court was made by C.T.SELVAM,J.)

This petition has been filed to direct fourth respondent to dispose of appeal dated 30.10.2017, which is pending before him, on merits against the order of third respondent bearing Na.Ka.No.M5/21812/2017, dated 21.09.2017 confirming the orders of second respondent bearing Na.Ka.No.A7/3067/2016, dated 28.06.2016 in the matter of issuance of Community Certificate of Malak Kuravan from Sankarapuram Taluk and refrain sixth and seventh respondents from any manner interfering or disrupting education of the petitioner in continuing her studies in BDS Course for Academic Year 2016-2017 for want of production of said Community Certificate till disposal of appeal.

2.The brief facts leading to the filing of this petition are as follows:

(i)Petitioner belongs to Malak Kuravan Community, which is a Scheduled Tribe Community in Sankarapuram Taluk, Villupuram District. The Thasildar, Kallakurichi being competent

authority had issued Community Certificate to the petitioner's father vide Certificate No.1798326, dated 18.09.1990. The said community is recognised as Schedule Tribe as per G.O.Ms.No.242 SWD dated 30.07.1989 and Scheduled Tribe Orders (Amendment) Act 1976 vide Sl.No.23.

(ii)Petitioner has completed her Higher Secondary School Examination in the month of March 2016. Petitioner's father applied for Community Certificate of petitioner on 21.03.2016. The said application has been forwarded to first respondent, who in turn, forwarded the same to second respondent for verification. Meanwhile, petitioner's father submitted a representation dated 03.06.2016 to third respondent. No reply has been received. Hence, petitioner filed W.P.Nos.19309 of 2016 and 20526 of 2016 and the same were dismissed as infructuous.

(iii)In the meantime, petitioner got admission for Bachelor in Dental Science Degree Course for the Academic Year 2016-2017 in Adhiparasakthi Dental College and Hospital, Melmaruvathur on condition that she has to submit necessary Community Certificate. At this juncture, second respondent by his proceedings in Na.Ka. A 7/3067/2016, dated 28.06.2016 rejected the request of petitioner for issue of Community Certificate. Hence, petitioner filed an Appeal before third respondent in August 2016 and the same is pending.

(iv)On 07.06.2017, sixth respondent sent a communication to seventh respondent and also addressed to petitioner's father informing that petitioner could not be registered for academic year 2016-2017 due to non-submission of Community Certificate. Hence, petitioner filed W.P.No.15993 of 2017 to direct third respondent to decide the appeal pending before third respondent and also direct sixth and seventh respondents therein to permit petitioner to continue BDS Course and the same was disposed of directing third respondent to dispose of appeal and further directed sixth and seventh respondents not to cancel the admission.

(v)Third respondent by his order in Na.Ka.No. 5/21812/2017, dated 21.09.2017 confirmed the order passed by second respondent. Again, petitioner filed an appeal before the State Level Vigilance Committee/Government Principal Secretary, Adi Dravidar and Scheduled Tribes Welfare on 30.10.2017. In such circumstances, petitioner filed present writ petition.

4. We have heard learned counsel for petitioner and learned Government Advocate for respondents.

5.Since the matter is pending before fourth respondent, State Level Scrutiny Committee and in view of the limited prayer sought for by learned counsel for petitioner, this Court passed

the following order:

"(i)Fourth respondent, the Chairman cum Secretary, State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Secretariat, Fort St. George, Chennai 600 010 is directed to consider petitioner's Appeal dated 30.10.2017 on merits and in accordance with law, after following due procedure contemplated under relevant rules and after affording reasonable opportunity to petitioner within a period of four months from the date of receipt of a copy of this order.

(ii)Since appeal is pending, there shall be an order of interim injunction against sixth and seventh respondents directing them not to take any action against petitioner for pursuing her BDS Course till final disposal of appeal."

The writ petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To:

- 1.The Thasildar,
Sankarapuram Taluk,
Villupuram District.
- 2.The Revenue Divisional Officer,
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- 4.The Chairman Cum Secretary,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai 9.

5.The Director,
Tribal Welfare Department,
Government of Tamil Nadu,
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Chennai 600 005.

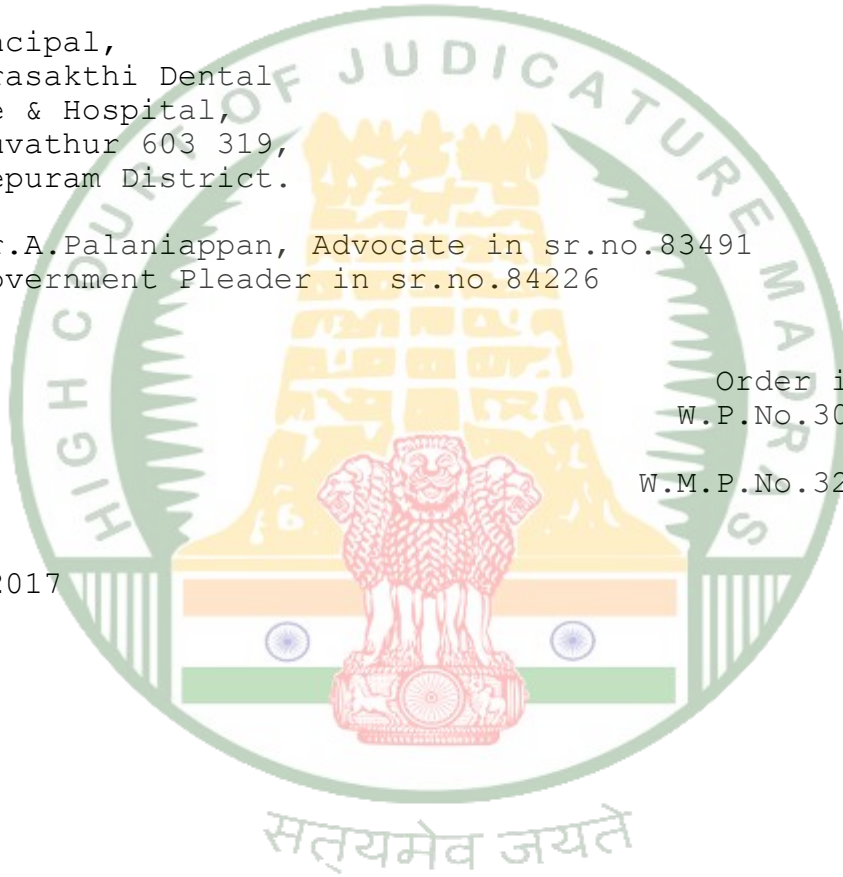
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7.The Principal,
Adhiparasakthi Dental
College & Hospital,
Melmaruvathur 603 319,
Kancheepuram District.

+1cc to Mr.A.Palaniappan, Advocate in sr.no.83491
+1cc to Government Pleader in sr.no.84226

Order in
W.P.No.30184 of 2017
and
W.M.P.No.32812 of 2017

NR 07/12/2017



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