

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM :

THE HON'BLE MR. JUSTICE C.T.SELVAM
AND
THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

Writ Petition No.27797 of 2017

C.Gopinath
S/o Chockalingam

... Petitioner

Vs

The Sub Collector,
Tondairpet,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue community certificate to the petitioner's sons and daughters viz., 1)G.Anitha, 2) G.Mahalakshmi, and (3)G.Manikandan based upon the community certificate already issued to the petitioner.

For Petitioner : Mr.S.Doraisamy
for Mr.V.Elangovan

For Respondent : Mr.S.N.Parthasarathy
Government Advocate

ORDER

(Order of this Court was made by M.V.MURALIDARAN,J.)

This writ petition has been filed seeking issuance of a writ of Mandamus directing the respondent to issue community certificate to the petitioner's son and daughters viz., (1) G.Anitha, (2)G.Mahalakshmi and (3)G.Manikandan, based upon the community certificate already issued to the petitioner.

2.In the affidavit filed in support of the writ petition, it is averred that the petitioner belongs to 'Kurumans Community', which is classified as Scheduled Tribe Community as per the Constitution (Scheduled Tribes) Order 1950 as amended by the Scheduled Tribes Orders (Amendment) Act, 1976. The petitioner

has residing permanently in the above said address and he studied upto 10th Standard and to that effect he obtained community certificate from the Tahsildar, Mambalam-Guindy Taluk on 10.05.1976 that he belongs to Kurumans (ST) Community. The above certificate was issued to the petitioner after proper enquiry and verification of documents. Based on the above certificate, the petitioner has joined Southern Railway and he was working as a Senior Section Officer and retired from service on July 2017.

3.The petitioner also states that in all his school records, his community is entered as Kurumans (ST) community and the petitioner had two daughters and one son by name (1)G.Anitha, (2)G.Mahalakshmi and (3)G.Manikandan. In the petitioner's children school records, their community is entered as Kurumans (ST) community.

4.The petitioner also states that he preferred an application to the respondent on 21.12.2016 requesting to issue community certificate to his children that they belong to Kurumans (ST) Community, but there was no order has been passed by the respondent. On 12.10.2017, the petitioner has sent a reminder request to the respondent along with the following documents:

- 1)Petitioner's community certificate;
- 2)Petitioner's school certificate;
- 3)Petitioner's daughters (G.Anitha and G.Mahalakshmi) school certificate.
- 4)School Transfer Certificate of the petitioner's son G.Manikandan
- 5)Family Card.

However, there was no certificate issued by the respondent till date.

5.The petitioner also states that once father is having valid community certificate by applying the ratio laid down by the Hon'ble Supreme Court in the case of State of Bihar and others v. Sumit Anand reported in 2005 (12) SCC 248, the respondent is bound to issue the community certificate to the petitioner's children. But the respondent has not passing any orders. Therefore, the petitioner prayed this Court to direct the respondent to issue community certificate to his children on the application of the petitioner dated 21.12.2016 and reminder dated 12.10.2017. Hence, the petitioner has filed the above writ

petition for the aforesaid prayer.

6.We heard Mr.S.Doraisamy for Mr.V.Elangovan, learned counsel appearing for the petitioner and Mr.S.N.Parthasarathy, learned Government Advocate appearing for the respondent and perused the documents available on record.

7.When the matter came for admission today, the learned counsel appearing for the petitioner represented that a direction may be issued to the respondent to consider the representation of the petitioner dated 21.12.2016 and reminder dated 12.10.2017 and to pass appropriate orders, by giving personal opportunity to the petitioner for issuing community certificates to the petitioner's children.

8.Mr.S.N.Parthasarathy, learned Government Advocate also accept for the same and informed that the respondent will hear the petitioner's representation and pass appropriate orders.

9.Considering the limited prayer of the petitioner, without going into the merits of the matter, this Court directs the respondent to consider the application of the petitioner dated 21.12.2016 and the reminder dated 12.10.2017 and pass appropriate orders, after giving opportunity of hearing to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

10.The writ petition is disposed of with the above direction. No costs.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

WEB COPY

vs

To

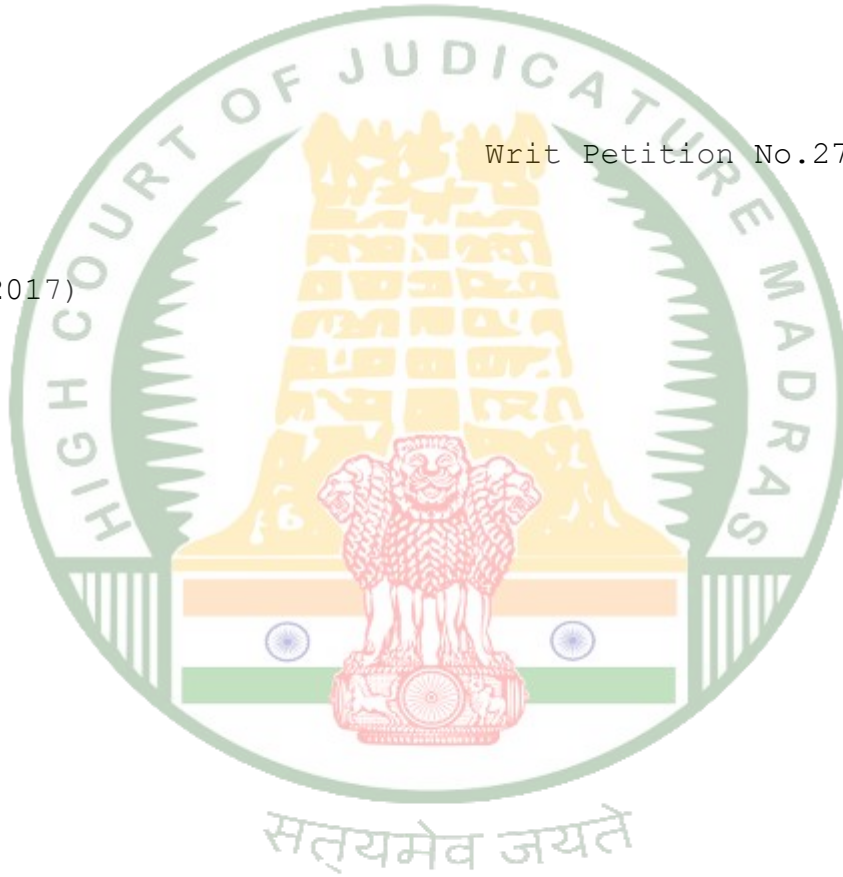
The Sub Collector,
Tondairpet,
Chennai.

+1 cC to Govt. Pleader sr 77177

+1 CC to Mr.S. Doraisamy, Advocate sr 76911

Writ Petition No.27797 of 2017

RSY(CO)
SP(22/12/2017)



WEB COPY