



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P. (MD) No.12964 of 2017

and

W.M.P. (MD) Nos.10051 to 10053 of 2017

Minor Shalom Babu

Rep. by her father K.Babu

...Petitioner

Vs.

1. The Tahsildar
Taluk Office,
Marungapuri Taluk,
Tiruchirappalli District.

2. The Revenue Inspector
Marungapuri Taluk,
Tiruchirappalli District.

3. The Secretary
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus calling for the records relating to the impugned order of the 1st respondent for minor petitioners Application ID 2017/0204/15/035905 published in web-site dated Nil rejecting issuance of Community Certificate of the minor petitioner, quash the same and consequently direct the respondents 1 and 2 herein to forthwith issue Community Certificate to the minor petitioner as "THANDAN" a Scheduled Caste community as shown in Sl.No.66 page 73 of TNPSC list and Sl.No.66 page 83 of Prospectus for Admission to MBBS/BDS Courses 2017-2018 Session issued by the Government of Tamil Nadu.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.M.Murugan

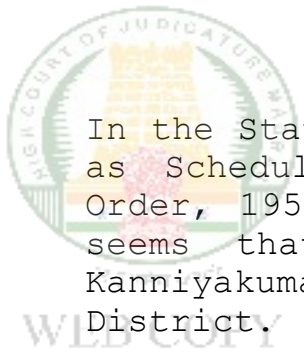
Government Advocate

ORDER

(Order of the Court was made by **M.M.SUNDRESH, J**)

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner herein belongs to "Hindu-Thandan" Community.
Her origin is in Kollam Taluk, Kollam District, State of Kerala.



In the State of Kerela, the "Hindu-Thandan" Community is recognized as Scheduled caste under the Constitution (Scheduled Castes) Order, 1950. Insofar as the State of Tamil Nadu is concerned, it seems that the same status continues only with respect to Kanniyakumari District and Shencottah Taluk of Tirunelveli District.

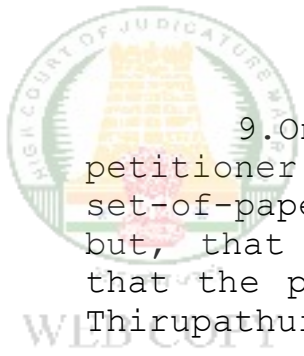
2.The petitioner's father, who is the Doctor, probably desirous of making his daughter to enter into his profession, obtained the Community Certificate from the State of Kerala, dated 20.04.2017, to the effect that she belongs to "Hindu-Thandan" Community, which is recognized as under the Constitution (Scheduled Castes) Order, 1950 as Scheduled Caste therein. Thereafter, the petitioner made a request to the second respondent for issuance of similar Certificate. By order dated 01.07.2017, the request made by the petitioner was rejected on the ground that she does not belong to Kanyakumari District or Shencottah Taluk of Tirunelveli District, so she is not entitled for the same. The petitioner challenges the aforesaid order before this Court.

3.The learned counsel appearing for the petitioner would submit that though the petitioner's father was from the State of Kerala, she has been brought up in the State of Tamil Nadu and undergone her studies in the State of Tamil Nadu. The Birth Certificate issued by the Tahsildhar, Thiruppathur Taluk, Sivagangai District and follow up by Family Ration Card, Aadhar Card and Transfer Certificate would stand as a witness for the aforesaid position. He would further submit that Article 21 of the Constitution of India speaks about 'right to live' with dignity and liberty. Merely because the petitioner's father was not now residing in Kerala, she cannot be denied the status of Scheduled Caste. He would further add that the circular relied upon by the respondents, dated 01.04.2017, cannot be made applicable to her case.

6.The learned Government Advocate would submit that though the facts are not in dispute, it is the case of the petitioner seeking declaration of her status, which is otherwise not available in the State of Tamil Nadu except Kanyakumari District and Shencottah Taluk in Tirunelveli District.

7.The Constitution (Scheduled Castes) Order, 1950 is the one promulgated by the President of India. There is no power, for the Court to include or exclude anybody in the aforesaid order.

8.Admittedly, the petitioner was treated as a Scheduled Caste in the State of Kerala, which we are not concerned. Similarly, within the State of Tamil Nadu, it is confined only to the Kanyakumari District and Shencottah Taluk in Tirunelveli District. In this case, the petitioner or her father were not hailing from the said place.



9. On the contrary, the learned counsel appearing for the petitioner placed reliance upon the documents filed in the typed-set-of-papers to show the petitioner was living within the State, but, that is not sufficient. The aforesaid documents would show that the petitioner studied in other parts of the State which is Thirupathur, Namakkal, etc.

10. Thus we do not find any error in the said order. The status cannot be conferred by anybody, other than the one mentioned in the Order, 1950.

11. Accordingly, the writ petition is dismissed. However, it is made clear that the dismissal of the writ petition will not stand in the way of the respondents in passing appropriate orders after conducting enquiry afresh. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar()

/True Copy/

Sub Assistant Registrar

To:

1. The Tahsildar
Taluk Office,
Marungapuri Taluk,
Tiruchirappalli District.
 2. The Revenue Inspector
Marungapuri Taluk,
Tiruchirappalli District.
 3. The Secretary
Selection Committee,
Directorate of Medical Education,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.
- +1cc to M/S. P.KRISHNASAMY, Advocate, SR.No.71037.
+1cc to Special Government Pleader, SR.No.70372.

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