

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2018

Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice P.D. Audikesavalu

W.P.No. 4295 of 2018
and
W.M.P.No. 5282 of 2018

R. Devendiran

...Petitioner

Vs.

1. The District Collector,
Namakkal District, Namakkal.
2. The Tahsildar,
Namakkal Taluk, Namakkal District.
3. The Zonal Deputy Tahsildar,
Namakkal Taluk, Namakkal District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorari mandamus, to call for the records of the impugned order of the third respondent, vide application No. 2018/0204/09/000330, dated 06.01.2018 and to quash the same and consequently, to direct the second and third respondents to issue the community certificate of Backward Community - Ganjam Reddy to the petitioner's second daughter, Selvi D. Boomika.

For Petitioner : Mr. R. Balaguruswamy

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

O R D E R

(Order of the Court was delivered by R. Subbiah, J.)

The challenge in this Writ Petition is to the order of the third respondent, vide Application No. 2018/0204/09/000330, dated 06.01.2018, whereby, the application submitted by the petitioner for issuance of community certificate to his daughter was rejected. The petitioner also seeks for a consequential direction upon the second and third respondents to issue the community certificate of Backward Community - Ganjam Reddy to her daughter, Selvi D. Boomika.

2. The case of the petitioner is that, he belongs to Ganjam Reddy Community, which is recognized as Backward Community. The petitioner would state that, his second daughter, by name Boomika, is studying in II standard at Mohanur Panchayat Union Primary School, at Rettiamatti, a Government School. Since the Authority of the said School insisted upon the petitioner to produce the community certificate for his daughter for educational purpose and also for availing the government aid, to pursue her schooling, the petitioner submitted an application, enclosing all relevant documents to the second respondent, via., on-line, dated 05.01.2018, Though the said application was accepted, and a receipt, bearing No.2018/0204/09/000330, dated 06.01.2018 was issued, the same has been rejected by the third respondent, on 21.01.2018, by entering the reason for rejection of the application in the reason column as 'Invalid Data', and in the remarks column, as 'Required Additional Proof. Aggrieved by the same, the present Writ Petition is filed, seeking for the aforesaid relief.

3. Heard Mr.R. Balaguruswamy, the learned counsel appearing for the petitioner, whose submission is that, the impugned order passed by the third respondent is not sustainable, because, the same is in violation of principles of natural justice. Admittedly, the petitioner has submitted the application, via., on-line, enclosing all necessary details, and the same was accepted and the receipt, bearing No.2018/0204/09/000330, was issued. Therefore, if the third respondent, on verification of the data in the application, finds that the same require additional proof, he ought to have sought for the additional documents, and ought not to have straightaway rejected the application, by stating as invalid data. Hence, the learned counsel prays for allowing the Writ Petition.

4. Mr.S.N.Parthasarathy, the learned Government Advocate for the respondents has submitted that the petitioner has submitted the application by availing the on-line facility, and states that, if the petitioner submits the application in person, with supportive documents, the same would be considered by the third respondent and appropriate orders would be based.

5. In the light of the above, this Court directs the petitioner to approach the third respondent/Zonal Deputy Tahsildar, Namakkal Taluk, Namakkal District, and submit a representation/application, supported by necessary documents, along with a copy of this order. As and when, the petitioner submits the application, the third respondent is directed to consider the representation/application and pass orders in accordance with law within a period of four weeks thereafter.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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To

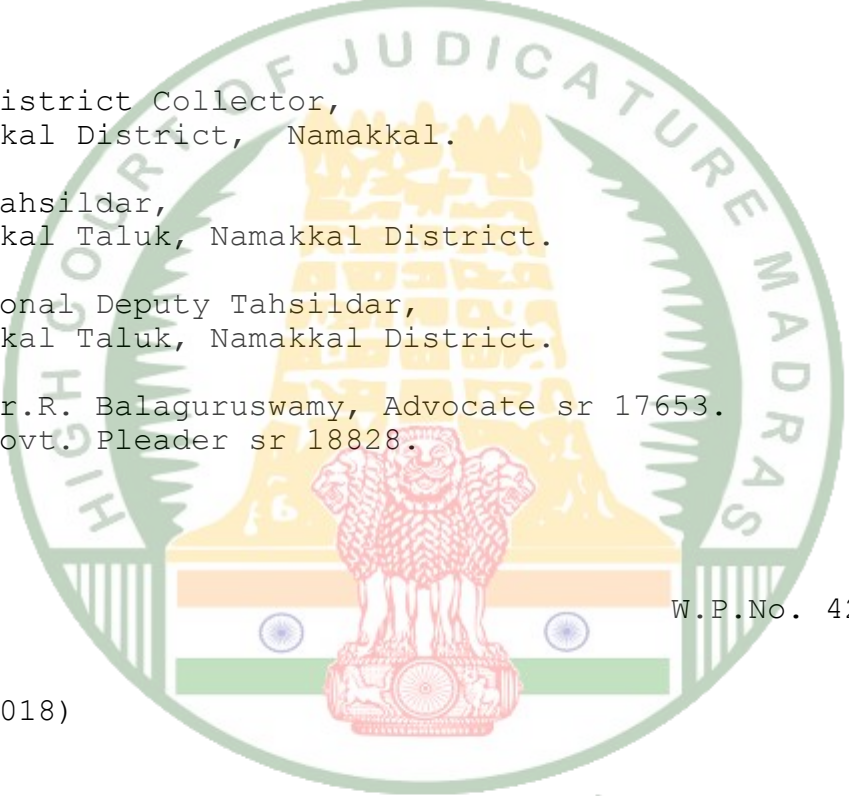
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Namakkal District, Namakkal.
2. The Tahsildar,
Namakkal Taluk, Namakkal District.
3. The Zonal Deputy Tahsildar,
Namakkal Taluk, Namakkal District.

+1 CC to Mr.R. Balaguruswamy, Advocate sr 17653.

+1 CC to Govt. Pleader sr 18828.

W.P.No. 4295 of 2018

MR (CO)
SP (06/04/2018)



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