

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH
AND
THE HON'BLE MR. JUSTICE P.D.AUDIKESAVALU

W.P.NO.6292 OF 2018

Murali

...Petitioner

Vs.

1. The Collector,
Salem-I.

2. The Revenue Divisional Officer,
Mettur Dam - I, Salem District.

3. The Tahsildar,
Kadayampatty, Salem District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus, directing the second respondent to consider and pass orders on the petitioner's application, dated 10.02.2014 and representation, dated 09.03.2018, by issuing community certificate to the petitioner's son, Renesh, within the time limit stipulated by this Court.

For Petitioner : M/s.K.Nithyashree

For Respondents : Ms. Thangavadhana Balakrishnan
Additional Government Pleader

O R D E R

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

Heard M/s.K.Nithyashree, the learned counsel appearing for the petitioner and Ms.Thangavadhana Balakrishnan, the learned Additional Government Pleader for the respondents.

2. This Writ Petition has been filed by the petitioner, seeking for issuance of a writ, in the nature of mandamus, directing the second respondent to consider and pass orders on the petitioner's application, dated 10.02.2014 and representation, dated 09.03.2018, by issuing community certificate to his son, by name, Renesh, within the time, that

may be stipulated by this Court.

3. On a perusal of the affidavit, filed in support of this Writ Petition, it could be deduced that the petitioner belongs to Hindu-Kurumans Community, which is recognized as Scheduled Tribe (ST) Community. He has applied for issuance of a Community Certificate to his son wayback in the year 2010, and despite several requests/representations were made in that regard, the Community Certificate was not issued. Thereafter, again, in the year, 2014, the petitioner has submitted an application, enclosing all relevant/necessary documents, particularly, the documents, which would fortify his claim that himself and his family members belong to Kurumans Community, and sought for issuance of community certificate to his son, however, no order was passed by the respondents, in regard to the said application.

4. The grievance expressed by the petitioner is that, his son has applied for National Entrance cum Eligibility Test Examination (NEET Exam) under the ST Quota, which is scheduled to be held in the month of April, 2018, and before the conduct of the Examination, counselling would be held, and during counselling, obviously, his son is expected to produce necessary documents, especially, the community certificate, for, he has applied for the said Exam by claiming himself to be a ST candidate, (as noticed above) and if he does not produce the Community Certificate, he will not be treated as candidate falling under the ST quota, and as consequence thereof, he will lose concessions and other benefits, to which, he is entitled to, as ST candidate. Setting out all these grievance, the petitioner submitted a representation in the recent past, i.e., on 09.03.2018. Since the said representation too evoked no response, the petitioner is constrained to approach this Court, by way of present Writ Petition, seeking for the aforementioned relief.

5. The learned counsel appearing for the petitioner would submit that, neither the application made by the petitioner in the year, 2014, nor the representation made by him in the recent past, i.e., on 09.03.2018, have been considered by the respondents so far. Hence, the learned counsel, prays for appropriate direction upon the respondents to consider the case of the petitioner based on the application as also the representation submitted by him and pass orders in a time bound manner, as his son is in utmost need of Community Certificate to participate in the counselling to be conducted for the NEET Examination.

6. The learned Government Advocate appearing for the respondents would submit that, in regard to the application as well as the representation made by the petitioner, dated

10.02.2014 and 09.03.2018 respectively, the second respondent/Revenue Divisional Officer has sought for a report from the Tahsildar, pursuant to which, enquiry has been conducted by the Tahsildar and a report has been submitted now, and based on the report, the second respondent will pass appropriate orders in regard to the petitioner's prayer for issuance of community certificate and requests that, some reasonable time may be granted.

7. In the light of the above facts and circumstances of the case, we dispose of this Writ Petition, by directing the second respondent to consider the petitioner's application, dated 10.02.2014, which was followed by representation, dated 09.03.2018 and pass appropriate orders on merits and in accordance with law, by issuing Community Certificate to the petitioner's son on or before 15.04.2018. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Collector,
Salem-I.
2. The Revenue Divisional Officer,
Mettur Dam - I, Salem District.
3. The Tahsildar,
Kadayampatty, Salem District.

+1cc to Government Pleader in sr.no.23930

सत्यमेव जयते

W.P.No.6292 of 2018

nr 05/04/2018

WEB COPY