

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2018

Coram

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

W.P. No. 6376 of 2018

R. Selvarani

...Petitioner

Vs.

1. The State Level Caste Scrutiny Committee,
rep. by its Chairman and
Secretary to Government,
Adi Dravidar and Tribal Welfare
[CV-4 (1)] Department,
Secretariat, Chennai- 600 009.
2. The Collector,
Villupuram District.
3. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of mandamus, to direct the first respondent to conduct enquiry and pass orders, as per the G.O.Ms. No.106, Adi Dravidar Tribal Welfare Department, dated 15.10.2012, on the second appeal preferred by the petitioner, dated 21.12.2017, against the order passed by the second respondent, in proceedings No.Na.Ka.M11/22548/2017, dated 30.11.2017, confirming the order passed by the third respondent, in proceedings No.Na.Ka.A7/6116/2016, dated 25.10.2016, for the issuance of Kattunayakan (ST) Community Certificate of the petitioner and her children viz. i) R.Arulandi and ii) R.Loganayagi within the time frame.

For Petitioner : Mr.V. Elangovan

For Respondents : Ms. Thanga Vadhana Balakrishnan
Government Advocate

O R D E R

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

Heard Mr.V.Elangovan, the learned counsel appearing for the petitioner and Ms.Thangavadhana Balakrishnan, the learned Government Advocate, accepting notice on behalf of the respondent. With consent of the learned counsel on either side, the Writ Petition is taken up for disposal.

2. The petitioner has filed this Writ Petition, seeking for a direction upon the first respondent/State Level Caste Scrutiny Committee to conduct enquiry and pass orders, as per the Order passed by the Government, vide G.O.(Ms). No.106, Adi Dravidar Tribal Welfare Department, dated 15.10.2012, on the second appeal preferred by the petitioner, dated 21.12.2017, and to issue Kattunayakan (ST) Community Certificate to her two children viz. i) R.Arulandi and ii) R.Loganayagi within a time frame.

3. The case of the petitioner, as stated in the affidavit, filed in support of this Writ Petition is that, she belongs to Kattunayakan (ST) Community, which is recognized as a Scheduled Tribe Community. She submitted an Application to the third respondent/Revenue Divisional Officer (R.D.O.) to issue Community Certificate to her two children. The third respondent, without conducting any enquiry, by order, dated 25.10.2016, rejected the said application, holding that the petitioner does not belong to the aforesaid Community. Against the said order, dated 25.10.2016, the petitioner preferred an Appeal before the second respondent/Collector, which was also dismissed, by order, dated 30.11.2017. Aggrieved over the same, the petitioner has filed a second Appeal before the first respondent/State Level Caste Scrutiny Committee, on 21.12.2017, and though the same was received by the first respondent, as on date, no enquiry was conducted and the same is pending. Hence, the petitioner is constrained to approach this Court, by way of this Writ Petition, seeking for the relief, as stated above.

4. The learned Government Advocate for the respondents, on instructions, would submit that, the Appeal preferred by the petitioner, dated 21.12.2017, will be considered and orders will be passed by the first respondent, in the light of the Orders passed by the Government, vide G.O.(Ms). No.106, Adi Dravidar Tribal Welfare Department, dated 15.10.2012, and requests that three months time may be granted for the same.

5. In view of the submission made by the learned Government Advocate for the respondents and considering the

limited scope of the prayer, sought for by the petitioner, in this Writ Petition, this Court, without expressing any view with regard to the merits of the contentions putforth by the petitioner in the Writ Petition, is of the view that, suffice it to direct the first respondent to consider and dispose of the petitioner's Appeal, dated 21.12.2017, in a time bound manner.

6 Accordingly, the first respondent is directed to consider the petitioner's Appeal, dated 21.12.2017, in the light of the Orders passed by the Government, vide G.O.(Ms). No.106, Adi Dravidar Tribal Welfare Department, dated 15.10.2012, and pass orders with regard to the issue of Community Certificate to the petitioner's two daughters as expeditiously as possible, not later than 30, June, 2018 and No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The State Level Caste Scrutiny Committee,
rep. by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare [CV-4 (1)] Department,
Secretariat, Chennai- 600 009.
2. The Collector,
Villupuram District.
3. The Revenue Divisional Officer,
Kallakurichi, Villupuram District.

+ 1 cc to MR.S. Doraisamy, Advocate Sr.22730

+ 1 cc to Mr.Government pleader SR.22847

W.P. No.6376 of 2018

(CCC)
EU(28/03/2018)