IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 21.02.2018
Coram

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

W.P.No.3862 of 2018

C.Senthil Kumar ...Petitioner

Vs.

The Revenue Divisional Officer,
Harur, Dharmapuri District. ...Respondent

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 children, viz., 1. S.Harini and 2. S.Lokesh, that, they belong to Kurumans (ST) Community, based upon the community certificate already issued to the petitioner and his brother C.Panneerselvam.

For Petitioner : Mr.S. Doraisamy

For Respondent : Ms.Thanga Vadhana Balakrishnan
Government Advocate

O R D E R

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

Heard Mr.S. Doraisamy, the learned counsel appearing for the petitioner and Ms.Thanga Vadhana Balakrishnan, the learned Government Advocate, accepting notice on behalf of the respondent. With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition, for issuance of a writ, in the nature of mandamus, directing the respondent to issue community certificate to his children, viz., i) S.Harini and ii) S.Lokesh, that, they belong to Kurumans (ST) Community, based upon the community certificate already issued to the petitioner and his brother C.Panneerselvam.

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3. The case of the petitioner is that, he belongs to Kurumans Community, which is recognized as Scheduled Tribe Community. The petitioner would state that, both, himself and his brother have obtained community certificate from the Revenue Divisional Officer, Dharmapuri, on 19.07.1996, to the effect that, they belong to Kurumans (ST) Community. The petitioner would further state that, his two children, i) S.Harini and ii) S.Lokesh, are studying II Standard and I Standard respectively. Since the School Authority has insisted upon the petitioner to produce the community certificate for his children for educational purpose, the petitioner submitted an Application, enclosing all relevant documents to the respondent, dated 12.05.2014, and requested for issuance of community certificate to his children. Though the said application was made in the year, 2014, nearly after two years, the respondent had issued a notice to the petitioner on 27.10.2016, to appear for enquiry on 28.11.2016. Though the petitioner appeared for the enquiry before the respondent and submitted all necessary documents as proof to show that he belongs to Kurumans Community, however, as on date, no order was passed by the respondent, pursuant to the such enquiry. Hence, the petitioner is constrained to approach this Court, by way of filing the present Writ Petition, seeking for the relief, as stated above.

4. Considering the limited scope of the prayer, sought for, in this Writ Petition, this Court, without expressing any opinion with regard to the merits of the case, projected by the petitioner, directs the respondent to consider the case of the petitioner, by applying law laid down by the Hon'ble Supreme Court, in Kumari Madhuri Patil and another Vs. Additional Commissioner) reported in [(1994) 6 SCC 241]. and pass appropriate orders in this regard as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sd

To
The Revenue Divisional Officer,
Harur, Dharmapuri District.

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+1 cc to Mr.S.Doraisamy Advocate sr 13322
+1 cc to the Govt Pleader sr 13691

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