

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL
AND
THE HON'BLE MRS.JUSTICE M.NIRMAL KUMAR

W.P.No.11081 of 2018

K.Elamurugan ... Petitioner

vs.

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

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the Respondent to issue Community Certificate to the Petitioner's son Minor R.E.Sharvesh that he belongs to 'Kurumans (ST) Community' based upon the proceedings of the State Level Scrutiny Committee passed in favour of the Petitioner in Proceedings No.16559/CVIII/2011 dated 17.12.2013 and the Community Certificate already obtained by the Petitioner and his family members.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.Akil Akbar Ali,G.A.

ORDER

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

The Petitioner has preferred the instant Writ Petition praying for passing of an Order by this Court in directing the Respondent, to issue 'Community Certificate' to his son, viz., minor R.E.Sharveh that he belongs to 'Kurumans (ST) Community', based upon the Proceedings of the Tamil Nadu State Level Scrutiny Committee, passed in his favour in Proceedings No.16559/CVIII/2011, dated 17.12.2013 and the Community Certificate already obtained by him and his family members.

2.Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for the Respondent.

3.According to the petitioner, he belongs to 'Kurumans (ST) Community'. He is working as Extra Assistant

Director, Group-B, Government of India, Ministry of Home Affairs, Director of Co-operation, New Delhi. He secured a 'Community Certificate' from the Respondent on 19.07.2002. His own Brother and his Father and Mother had secured the Community Certificate from the Respondent.

4.The stand of the Petitioner is that his Employer, namely, Assistant Director, had referred his 'Community Certificate' to the District Collector, Dharmapuri, for verification and genuineness. The District Collector, Dharmapuri, in turn had referred his Community Certificate to the Tamil Nadu State Level Scrutiny Committee for verification as per G.O.Ms.No.108, Adi Dravidar and Tribal Welfare (CV1) Department, dated 12.09.2007.

5.The Petitioner appeared before the Tamil Nadu State Level Scrutiny Committee for an enquiry in regard to the genuineness of his Community Certificate. After thorough enquiry, the Tamil Nadu State Level Scrutiny Committee rendered its findings on 17.12.2013 in Proceedings No.16559/CV VIII/2011, wherein at Paragraph Nos.5 and 6 it is observed as under:-

"5.The State Level Scrutiny Committee carefully examined to original records, oral statement of the individual, documents produced by the individual the views of the Anthropologist and the Proceedings of the State Level Scrutiny Committee issued to his blood relatives in which the caste confirmed as 'Kurumans' Scheduled Tribe.

6.After careful examination, the Committee have unanimously decided that Thiru K.Elamurugan, S/o.Thiru L.Krishnan belongs to Hindu 'Kurumans' Scheduled Tribe Community. Accordingly, the State Level Scrutiny Committee hereby confirms that the Hindu 'Kurumans' Scheduled Tribe Community Certificate bearing S.I.No.005092 dated 19.07.2002 to Thiru K.Elamurugan, S/o.Thiru L.Krishnan by the Revenue Divisional Officer, Dharmapuri residing at No.54, Dharmapuri Main Road, B.Mallapuram Post, Pappirettipatty Taluk, Dharmapuri District 635 301 is a genuine one."

6.At this juncture, the Learned Counsel for the Petitioner contends that the Tamil Nadu State Level Scrutiny Committee, after conducting a due enquiry, rendered its finding that the Petitioner's Community Certificate, dated 19.07.2002 is genuine and that he belongs to Hindu 'Kurumans' Scheduled Tribe Community. Therefore, it is the specific plea of the Petitioner that his Son is also entitled to obtain the Community

Certificate that he belongs to 'Kurumans' (ST) Community.

7. Based on the findings of the Tamil Nadu State Level Scrutiny Committee that the Petitioner belongs to Hindu 'Kurumans' (ST) Community, he preferred an Application before the Respondent on 23.12.2016, praying for issuance of 'Community Certificate' to his minor Son R.E.Sharvesh that he belongs to 'Kurumans' (ST) Community. Along with the said Application, the Petitioner had enclosed the under mentioned documents:

- "1. Petitioner's Father's Community Certificate
2. Petitioner's Mother's Community Certificate
3. Petitioner's Community Certificate
4. Petitioner's own Brother's Community Certificate.
5. Genuineness report of the State Level Scrutiny Committee."

Subsequently, the Respondent had forwarded the Petitioner's Application to the Tahsildar, Pappireddipatti. The Tahsildar, after conducting an enquiry, submitted a Report to the Respondent. The Primordial grievance of the Petitioner is that no Certificate is issued by the Respondent till date.

8. The crystalline stand of the Petitioner is that once his 'Community Certificate' is certified to be a genuine one, the Respondent/Revenue Divisional Officer, Harur, Dharmapuri District is bound to issue the 'Community Certificate' to and in favour of his son that he belongs to 'Kurumans' (ST) Community.

9. A cursory perusal of the Proceedings dated 17.12.2013 of the Tamil Nadu State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, shows that the Committee had unanimously decided that the Petitioner, Son of L. Krishnan, belongs to Hindu 'Kurumans' (ST) Community and accordingly the Committee confirms the Hindu 'Kurumans' (ST) Community Certificate bearing Sl.No.005092, dated 19.07.2002, issued to the Petitioner by the Revenue Divisional Officer, Dharmapuri, was found to be a genuine one.

10. When once the Petitioner, as per Proceedings of the Tamil Nadu State Level Scrutiny Committee, dated 17.12.2013 was found to be a person belonging to Hindu 'Kurumans' (ST) Community and further, the Certificate dated 19.7.2002 was found to be a genuine one, then there can be no difficulty for the Respondent to act upon the said Proceedings and consequently to issue the Community Certificate to and in favour of the Petitioner's son, viz., R.E.Sharvesh that he belongs to 'Kurumans' (ST) Community, ofcourse, resting upon the said Proceedings of the State Level Scrutiny Committee, dated 17.12.2013.

11.In view of the fact that the Petitioner requires 'Kurumans' (ST) Community Certificate to and in favour of his son, viz., R.E.Sharvesh, to make an entry in the School Records, at this stage, this Court deems it fit and proper in directing the Respondent to issue the 'Community Certificate' to and in favour of the Petitioner's Son, resting upon the findings arrived at by the Tamil Nadu State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, in Proceedings No.16559/CVIII 2011, dated 17.12.2013, within a period of two weeks from the date of receipt of copy of this Order.

With the above Observations/Directions, the Writ Petition is disposed of. No costs. Connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS V)

//True copy//

Sub Assistant Registrar

msk

To

The Revenue Divisional Officer,
Harur,
Dharmapuri District

+lcc to Mr.S.Doraisamy, Advocate SR.No.37845

W.P.No.11081 of 2018

GN(19/06/2018)

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