

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. Nos. 34427 and 34428 of 2017
and
W.M.P. Nos. 38256 of 2017 and 6314 of 2018

K. Ranjith Kumar ... Petitioner in
rep by mother and natural guardian W.P. No. 34427 of 2017
K. Selvi

K. Manothini (Mnor) ... Petitioner in
W.P. No. 34428 of 2017

Petitioners rep. through the
mother and natural guardian K. Selvi

Vs.

1. The District Level Scrutiny Committee,
Erode District,
Office of the District Collector, Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam Taluk,
Erode District. ... Respondents in both
W.Ps

Prayer in both the W.Ps:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a writ of certiorarified mandamus, to call for records, pertaining to the impugned order passed by the first respondent, in Na.Ka.No.7174/2015/E.Ka., dated 12.10.2015, and to quash the same and consequently, to direct the second respondent to grant the community certificate to the petitioner, as Hindu Bandi, which is recognized as a Scheduled Caste as per the Scheduled Castes and Scheduled Tribes orders (Amendment Act, 1976) vide Serial No.9.

For Petitioners : Mr.M. Mubarak Ahmed for
M/s. Ahmad Associates

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

COMMON O R D E R

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

The challenge in these Writ Petitions is to the orders passed by the first respondent/District Level Scrutiny Committee, dated 12.10.2015, and for a consequential direction upon the second respondent to grant the Hindu Bandi Community Certificate to the petitioners.

2. Since the issue involved and the relief sought for, in these Writ Petitions are identical in nature, both the Writ Petitions are taken up together and disposed of, by this common order.

3. The petitioners are minors, being represented by their mother and natural guardian, K.Selvi, who has sworn to the affidavits, filed in support of these Writ Petition.

4. The petitioner would that, she belongs to a Community, called "'Hindu-Bandi'", which is recognized as a scheduled caste. Since the Community Certificate is very essential to her children, for continuing their higher studies, the brother of petitioner's husband (since deceased), Dr.R.Rengasamy, submitted representations/Applications, enclosing all relevant and necessary documents to the concerned Authorities, and sought for issuance of Hindu-Bandi Community Certificate to the petitioner's children. The first respondent, by impugned orders, dated 12.10.2015, dismissed the Applications. Hence, the petitioner is before this Court, by way of present Writ Petition, seeking for the relief, as stated above.

5. The learned counsel appearing for the petitioners assailed the impugned orders, stating that, the impugned orders are arbitrary, against the provisions of law, equity and natural justice. Though the petitioner submitted application adduced with necessary documents in support of her claim that her husband (since deceased) had been issued with a Community Certificate to the effect that, he belonged to Hindu-Bandi Adi Dravidar Community, by the Authorities, vide Certificate No.4801624, and the brother of the petitioner's husband, viz., Dr. Rengasamy also has been issued with a Community Certificate to the effect that he belongs to Hindu Bandi Adi Dravidar

Community Certificate, the first respondent, without perusing those documents properly, wrongly arrived at a conclusion that the children of the petitioner belong to Hindu-Boyar Community, (which falls under the category of Most Backward Class) and passed the impugned orders, negating the petitioner's prayer.

6. The learned counsel has also drawn this Court's attention to the documents filed in the form of additional typed-set of papers, annexed in support of these Writ Petition, to buttress the case of the petitioner that all the blood relatives of the petitioner were issued with the Hindu Bandi Community Certificates, and thus, submitted that the impugned orders passed by the first respondent are not sustainable in law and prayed for setting aside the same.

7. Heard the learned counsel appearing for the petitioner and the learned Government Advocate for the respondents. Since the petitioner has filed an additional affidavit, showing the genealogy that the grandfather of the petitioner's husband and all his blood relatives were issued with a Hindu-Bandi Community Certificate, this Court, without adverting to contentions putforth by the learned Government Advocate and the averments set out in the counter affidavit, sworn to by the first respondent/District Level Scrutiny Committee, deems fit that it would suffice to direct the first respondent to consider the case/claim of the petitioner, in the light of the documents, now, produced by the petitioner in the form of an additional typed set of papers in support of these Writ Petition and pass fresh orders.

8. Accordingly, both the Writ Petitions are allowed, the impugned orders are set aside and the matters are remitted to the first respondent for fresh consideration, who shall pass fresh orders, by taking into consideration the documents produced by the petitioner in the form of an additional typed set of papers, wherein, it is apparent that the all the blood relatives of the petitioner's husband were issued with the Hindu-Bandi Community Certificate. The direction issued herein above shall be complied with by the first respondent/District Level Scrutiny Committee on or before 15.05.2018. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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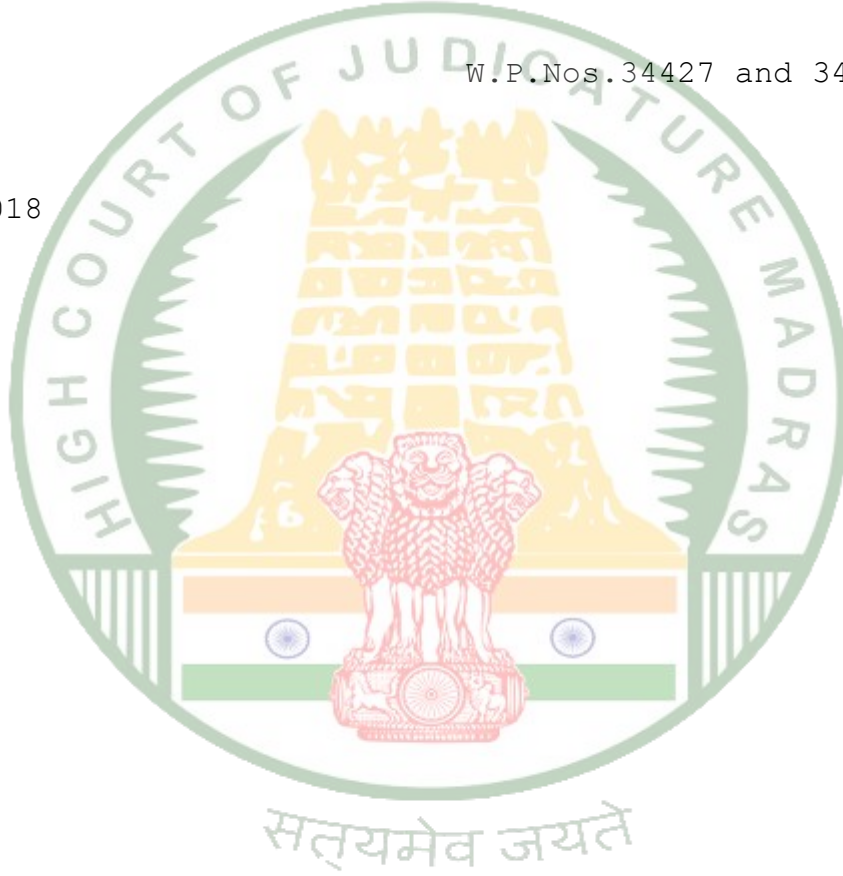
To

1. The District Level Scrutiny Committee,
Erode District,
Office of the District Collector, Erode.
2. The Revenue Divisional Officer,
Gobichettipalayam Taluk,
Erode District.

+2 ccs to M/s.Ahmed Associates Advocate sr 17669 & 17670

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