

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.21630 of 2018

D.Duraisamy

... Petitioner

vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in Proceedings No.Pa.Mu.6520/2016/A4, dated 24.05.2018 on the file of the Respondent, quash the same and direct the Respondent to issue Community Certificate to the Petitioner and his children viz. (i) D.Mohan Kumar, (ii) D.Anushka and (iii) D.Bharatwaj that they belong to Kurumans (ST) Community, based upon the verification report of the State Level Scrutiny Committee in Proceedings No.6148/CVIII/2012, dated 07.05.2014 in respect of the Petitioner's close blood relative, M.Manirathnam.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Rajendra Prasad,
Additional Government Pleader

O R D E R

(Order of the Court was made by R.SUBBIAH, J.)

Petitioner has come up with the present Writ Petition challenging the the order of rejection passed in Proceedings No.Pa.Mu.6520/2016/A4, dated 24.05.2018 on the file of the Respondent, quash the same and direct the Respondent to issue Community Certificate to him and his children viz. (i) D.Mohan Kumar, (ii) D.Anushka and (iii) D.Bharatwaj that they belong to Kurumans (ST) Community, based upon the verification report of the State Level Scrutiny Committee in Proceedings No.6148/CVIII/2012, dated 07.05.2014 in respect of his close blood relative, M.Manirathnam.

2. According to the Petitioner, he belongs to Kurumans Community, which is a Scheduled Tribe Community. He preferred an application to the Respondent on 06.10.2015 requesting to issue Community Certificate to him and his children viz. (i) D.Mohan Kumar, (ii) D.Anushka and (iii) D.Bharatwaj that they belong to Kurumans (ST) Community. In fact, the Tahsildar, Dharmapuri issued a Genealogy Tree Certificate on 12.06.2016 certifying that the Petitioner and one Manirathnam, who is the Petitioner's mother's sister's son, are close relatives and that they both belong to the same Community.

3. Since his application was not considered by the Respondent, the Petitioner filed a Writ Petition in W.P.No.32154 of 2016 and this Court, by an order dated 15.09.2016, disposed of the said Writ Petition with the following direction:

"5. Considering the facts and circumstances of the case, we direct the Respondent to consider the Application dated 06.10.2015 preferred by the Petitioner and verify the aspects as regards the Community Certificate already issued to the Petitioner's close blood relative M.Manirathnam, which is stated to be verified by State Level Scrutiny Committee by its proceedings No.6148/CVIII/2012, dated 07.05.2014 and pass necessary orders regarding issuance of Community Certificate, in accordance with law, within a period of two months from the date of receipt of a copy of this order."

4. Pursuant thereto, the Petitioner's Application was rejected by the Respondent vide Proceedings dated 24.05.2018. Hence, challenging the same, the Petitioner is before this Court by way of the present Writ Petition.

5. Learned counsel for the Petitioner submitted that the Petitioner's mother's sister's son viz. M.Manirathnam has been issued with Community Certificate stating that he belongs to Kurumans (ST) Community and hence, there is no impediment for the Respondent in issuing a similar Community Certificate to the Petitioner and his children.

6. In reply, learned Additional Government Pleader appearing for the Respondent submitted that the School records of the Petitioner is against his claim.

7. Heard the learned counsel on either side and perused the material documents available on record.

8. In the Petitioner's School Certificate issued by the Headmaster, Paruvadhana Alli, Ponnagaram Taluk, Dharmapuri District, it is seen that his Community is mentioned as 'Hindu Kurumans'. In view of the same and taking into account the Community Certificate issued to the Petitioner's mother's sister's son viz. M.Manirathnam, this Court is of the view that there is no impediment on the part of the Respondent in issuing Community Certificate to the Petitioner and his children, as per his claim.

9. In view of the foregoing discussion, the impugned order dated 24.05.2018 passed by the Respondent is set aside and this Court directs the Respondent to issue Kurumans (ST) Community Certificate to the Petitioner and his children viz. (i) D.Mohan Kumar, (ii) D.Anushka and (iii) D.Bharatwaj, within a period of four weeks from the date of receipt of a copy of this order.

10. We make it clear that after issuance of Community Certificate to the Petitioner and his children, the Respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

The Writ Petition is allowed with the above direction and observation. No costs.

Sd/-

Assistant Registrar(CS ii)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 67860

+1cc to Mr.S.Doraisamy, Advocate SR.No. 67119(04/10/2018)

Order in
W.P.No.21630 of 2018

ASK(03/10/2018)