

IN THE HIGH COURT OF JUDUCATURE AT MADRAS

Dated: 18.06.2018

Coram:

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

W.P.No.14063 of 2018

B.Manikandan

... Petitioner

vs.

1.The State of Tamil Nadu,
rep.by the Secretary to Government,
Department of revenue,
Fort St.George,
Chennai-600 009

2.The District Collector,
Chennai,
Chennai District.

3.The Tahsildar,
Perambur,
Chennai District

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the Third Respondent herein to take necessary action on Petitioner's Representation dated 1.5.2018 and to issue him Hindu Adi-Dravida (Scheduled Caste) Community Certificate, as per his Educational and other Certificates within a time limit to be specified by this Court.

For Petitioner : Mr.S.Arunkumar

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

ORDER

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

Heard the Learned Counsel for the Petitioner and the Learned Government Advocate for R1 to R3.

2.According to the Petitioner, he was legally adopted by Late Thilakavathy, wife of Late S.Bakthavatchalam, on 6.12.1999 and that the Adoption Deed was duly Registered bearing Document No.166/KB4/1999 in the Office of Sub Registrar, Arcot, Vellore District. He had passed his S.S.L.C. (10 - Standard) and studied three years Diploma course in

Electronics and Communications. He is yet to complete the said Diploma course.

3.The version of the Petitioner is that his adopted father Late S.Bakthavatchalam was employed in the Railway Integral Coach Factory (ICF), Perambur and further that on 23.07.1991, the said S.Bakthavatchalam died while in service. Subsequently, his adopted Mother Thilakavathy was appointed in the Railways in the Integral Coach Factory on Compassionate grounds. She worked as Technician in the Electrical Department in Integral Coach Factory. On 6.12.1999, the said Thilakavathy adopted the Petitioner as her Son. The said Thilakavathy, while in service, died on 11.3.2018. The Petitioner is her only legal Heir.

4.At this stage, the Learned Counsel for the Petitioner submits that the Petitioner had submitted a Representation to the Integral Coach Factory (ICF), Railways, Perambur, seeking Compassionate Appointment on account of the death of his Mother B.Thilakavathy. He furnished all available documents. In fact, he belongs to 'Hindu Adi Dravidar (SC) Community'. The Authorities of the Railways, Integral Coach Factory, Perambur, Chennai, had asked him to produce his 'Community Certificate'. Therefore, he submitted his Representation dated 10.04.2018 to the Respondents seeking 'Community Certificate'. However, the Third Respondent/Tahsildar, Perambur, had not issued the 'Community Certificate' to him. Hence, he has filed the present Writ Petition praying for passing of an Order by this Court in directing the Third Respondent/Tahsildar, Perambur, Chennai, to take necessary action on his Representation dated 01.05.2018 and to issue him 'Hindu Adi Dravidar (SC) Community Certificate', as per his Educational and other Certificates within a time limit to be determined by this Court.

5.A perusal of the Representation of the Petitioner dated 01.05.2018, addressed to the Respondents 1 to 3 shows that the Petitioner has prayed for issuance of 'Community Certificate' at the earliest. In his Representation, the Petitioner had, among other things, stated that he is already aged 30 years, being unemployed and if he does not submit the 'Community Certificate' before the Railways, Integral Coach Factory, Perambur, the concerned Railway Authorities would not consider his name for an appointment in the Railways, in which event, he would lose his opportunity of securing an employment in the Railways.

6.It transpires that the Representation of the Petitioner dated 1.5.2018, praying for issuance of 'Community Certificate' was addressed to all the Respondents, namely, R1 to R3. In fact, the Petitioner had not independently addressed a Representation to the Tahsildar, Perambur, Chennai (Third Respondent). Therefore, this Court, without traversing upon the merits of the matter and also not delving deep into

the subject matter in issue, at this stage, simpliciter directs the Petitioner to submit a fresh Representation addressed to the Third Respondent/Tahsildar, Perambur, Chennai, seeking issuance of 'Community Certificate' to and in his favour, within a period of 10 days from the date of receipt of copy of this Order. The Third Respondent/Tahsildar, Perambur, upon receipt of the Representation of the Petitioner, shall look into the said Representation with all seriousness and earnestness and to pass a reasoned speaking Order on merits in a fair and dispassionate manner, within a period of two weeks thereafter. It cannot be gainsaid that the Third Respondent/Tahsildar, Perambur, shall provide an opportunity of hearing to the Petitioner by adhering to the Principles of natural justice.

With the above observations/Directions, this Writ Petition is disposed of. No costs.

msk

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Department of revenue,
Fort St.George,
Chennai-600 009

2.The District Collector,
Chennai,
Chennai District.

3.The Tahsildar,
Perambur,
Chennai District.

+lcc to M/s.S.Arunkumar, Advocate Sr.No.37988

+lcc to Government Pleader SR.No.38658

RR(CO)

sm:16.7.2018

W.P.No.14063 of 2018