

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2018

CORAM:

THE HON'BLE MR.JUSTICE M.VENUGOPAL

AND

THE HON'BLE MRS.JUSTICE M.NIRMAL KUMAR

W.P.No.14494 of 2018

N.Venkatesan ... Petitioner

vs.

The Revenue Divisional Officer,
Dharmapuri,
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 sons viz., N.V.Baradhan and V.Arjun that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his wife and relatives.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Rajendra Prasad,A.G.P.

सत्यमेव जयते
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/Revenue Divisional Officer, Dharmapuri District, Dharmapuri, to issue Community Certificate to and in favour of his sons, viz., (i)N.V.Baradhan and (ii)V.Arjun, to the effect that they belong to 'Kurumans' (ST) Community, based upon the Community Certificate already issued in his favour and in favour of his Wife and Relatives.

2.Mr.K.Rajendra Prasad, the Learned Additional Government Pleader takes notice for the Respondent. No counter is filed on behalf of the Respondent.

3.Heard both sides.

4.According to the Petitioner/Father, he belongs to 'Kurumans' Community, which is a 'Scheduled Tribes' Community, as per the Constitution (Scheduled Tribes) Order 1950 as amended by the Scheduled Tribes Orders (Amendment) Act, 1976. In all his School records, his Community is entered as 'Kurumans' (ST). He also obtained a Community Certificate from the Respondent on 28.12.1995. He is working as a Senior Technician in Indian Railways. In his Service Register, his Community is registered as 'Kurumans' (ST) Community.

5.The Petitioner's specific case is that his wife also belongs to 'Kurumans' Community. As a matter of fact, his wife-Subha had obtained a Community Certificate from the Respondent on 06.03.1997.

6.At this stage, the Learned Counsel for the Petitioner submits that the Petitioner has two Sons, viz., (i) N.V.Baradhan and (ii)V.Arjun and in their school records, their Community is entered as 'Kurumans' (ST) and further, the Petitioner's first son N.V.Baradhan has passed +2 Examination (C.B.S.E.) scoring 408 marks out of 500 marks and in the NEET Examination, scoring 308 marks out of 720 marks. For higher studies of his children, Community Certificate is required and therefore, the Petitioner filed an Application before the Respondent on 30.05.2018, praying for issuance of Community Certificate to and in favour of his two children as aforesaid that they belong to 'Kurumans' (ST) Community.

7.It comes to be known that the Petitioner, along with his Application had enclosed the documents, viz.,

(i)The Petitioner's Community Certificate, dated 228.12.1995.

(ii)Petitioner's Wife's Community Certificate, dated 06.03.1997.

(iii)School T.C. of the Petitioner's children.

(iv)Community Certificates of the Petitioner's relatives viz.,

(i)D.Deviga, (ii)Naveen Kumar, (iii)Revanth (iv)Raja and

(v)Devaraj.

(v)State Committee report of Raja and Devaraj

and till date, according to the Petitioner, no Order is passed by the Respondent. Hence, he purported to issue a reminder to

the Respondent on 08.06.2008.

8.The prime contention projected on the side of the Petitioner is that, in Law, once the Parents are possessing valid Community Certificates, by applying the Principles laid down in the decision of the Hon'ble Supreme Court in State of Bihar and Others vs. Sumit Anand (reported in 2005(12) SCC 248), the Respondent is bound to issue Community Certificate to his children as well. Since the Respondent has not passed orders on the Application of the Petitioner, dated 30.05.2018, he has filed the present Writ Petition before this Court.

9.The Learned Additional Government Pleader for the Respondent informs this Court that within ten days, the Respondent will pass Orders based on the Application of the Petitioner dated 30.05.2018.

10.The request made on behalf of the Respondent is quite reasonable. As such, this Court, in the interest of justice, equity, fair play, good conscience and even as a matter of prudence, directs the Respondent to look into the Application of the Petitioner dated 30.05.2018 and dispose of the same within a period of ten days from the date of receipt of copy of this Order, ofcourse, after providing necessary opportunity to the Petitioner by adhering to the Principles of natural justice.

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

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

msk
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District

+1cc to Mr.S.DORAISAMY, Advocate, S.R.No. 37372

W.P.No.14494 of 2018

MG (CO)
TR(14/06/2018)