

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R. SUBBIAH
AND
THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 1551 of 2018

&

W.M.P. No. 1955 of 2018

J. Sekar

..Petitioner

Vs.

The Sub Collector,
Mettur Taluk,
Salem District.

..Respondent

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records in proceedings of the respondent in Na.Ka. 1449/2016/D dated 16.06.2017 and to quash the same consequently as illegal and direct the respondent to issue community certificate to the petitioner's children namely Viz. 1) S. Billgates 2) S. Sanjeevarora, that they belong to 'Kurumans' (ST) community.

For Petitioner :: Mr.R.K. Gandhi

For Respondent :: Mr.S.N. Parthasarathy
Govt. Advocate

O R D E R

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

This writ petition is filed for issue of a Writ of Certiorarified Mandamus to call for the records in proceedings of the respondent in Na.Ka. 1449/2016/D dated 16.06.2017 and to quash the same consequently as illegal and direct the respondent to issue community certificate to the petitioner's children namely Viz. 1) S. Billgates 2) S. Sanjeevarora, that they belong to 'Kurumans' (ST) community.

2. The case of the petitioner is that he belongs to Kurumans Community, which is a Scheduled Tribe community and he has also obtained a certificate to that effect from Tahsildar, Omalur, on 18.11.1988. According to the petitioner, the said community certificate was issued to him after due enquiry and it is still valid and holds good. The petitioner's brother, by name J. Murugan and his sister, by name, J. Susila have also obtained community certificates from Tahsildar, Omalur, that

they belong to Kurumans (ST) community on 02.01.1989 and 30.12.1988 respectively. That being so, the petitioner applied for issuance of community certificate for his children, as the school authorities insisted for production of the same and he submitted an application as early as on 16.09.2015 in regard thereto. However, neither any enquiry was conducted nor orders were passed, which compelled the petitioner to file W.P. No. 5224 of 2017 before this Court for issuance of community certificate to his children. By order dated 02.03.2017, the said writ petition was disposed of directing the respondent therein to consider and dispose of the application of the petitioner for issuance of Kurumans (ST) community certificate, as expeditiously as possible, and in any case, within a period of three months from the date of receipt of a copy of that order. Subsequent thereto, the respondent has passed the impugned order dated 16.06.2017, rejecting the request of the petitioner, which is under challenge in this writ petition.

3. As against the order under challenge, the petitioner has got an Appellate Remedy before the District Collector concerned and without availing the said remedy, the petitioner has approached this Court by filing this writ petition. Therefore, we are not inclined to entertain the writ petition and the same is dismissed.

4. However, the petitioner is at liberty to approach the Appellate Authority, namely, The District Collector, Salem, by way of an appeal, within a period of two weeks from the date of receipt of a copy of this order and on filing of such appeal, the District Collector, Salem, shall consider and dispose of the same, within a period of two months thereafter. Connected W.M.P. is closed.

s/d-

Assistant Registrar (CS VI)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

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To

1. The Sub Collector,
Mettur Taluk,
Salem District.

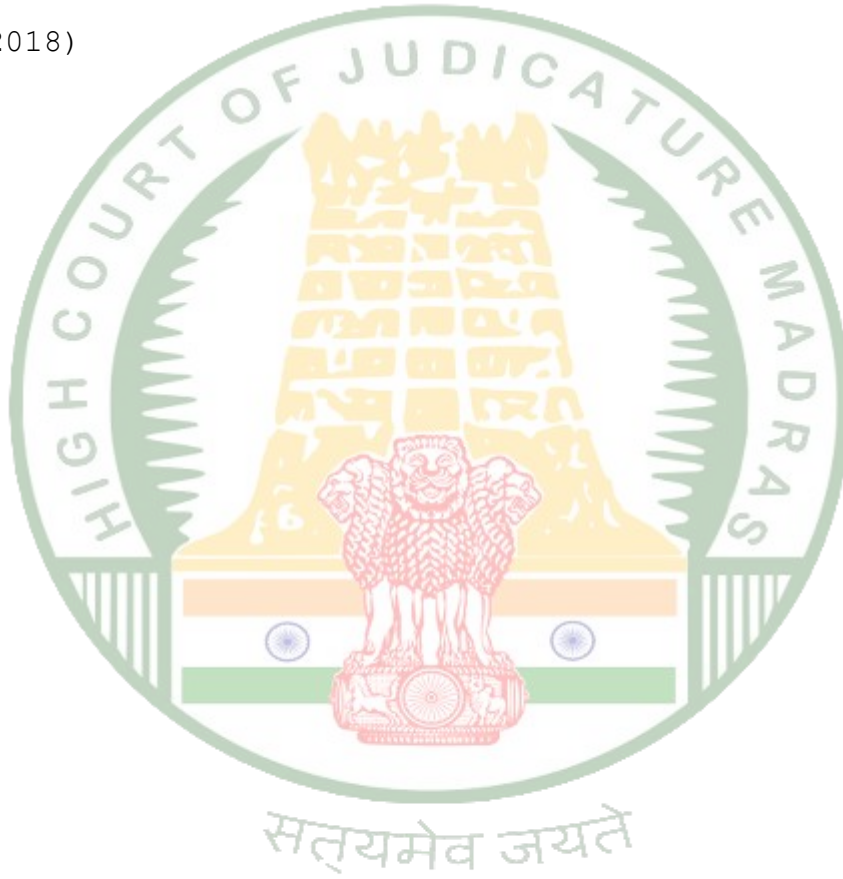
2. The District Collector, Salem.

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+1 CC to The Govt. Pleader sr 6187.
+1 CC to Mr.R.K. Gandhi, Advocate sr 5903.

W.P. No. 1551 of 2018

SP(19/02/2018)



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