

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.07.2018

CORAM

THE HON'BLE Mr. JUSTICE M.VENUGOPAL
and
THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

W.P.No.17723 of 2018 and
W.M.P.Nos.21001 of 2018

Elumalai

.. Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. By the Secretary to Government
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
Villupuram - 605 602
Villupuram District.
- 3.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District - 606 202.
- 4.The Tahsildar,
Villupuram,
Villupuram District - 606 202.
- 5.The Principal
Arignar Anna Govt. Arts and Science College,
Villupuram - 605 602
Villupuram District.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a WRIT OF MANDAMUS directing the 3rd respondent herein to issue Hindu, Malaikuravan - Scheduled Tribe (ST) Community Certificates to the Petitioner's above named four children viz., (1)E.Mageswari, aged 17 years, (2)E.Gayathri aged 16 yrs, (3)E.Vanishri, aged 15 yrs, (4)E.Balamurugan, aged 10 yrs, at the earliest.

For Petitioner : Mr.S.Arunkumar

For Respondents : Mr.K.Rajendra Prasad
Additional Government Pleader

O R D E R
[Order of the Court was made by M.VENUGOPAL, J.]

Heard the Learned Counsel for the Petitioner and Mr.K.Rajendra Prasad, Learned Additional Government Pleader for the Respondents.

2.According to the Petitioner, he has filed the present Writ Petition seeking for issuance of Scheduled Tribe Community Certificates to his three minor daughters and a minor son viz., (1)E.Mageswari, aged 17 years, (2)E.Gayathri, aged 16 years, (3) E.Vanishri, aged 15 years, (4)E.Balamurugan, aged 10 years respectively.

3.It is the stand of the Petitioner that his eldest daughter E.Mageswari had studied her school education in Government High School, Kombakkam, Puducherry and that the School Authorities had wrongly mentioned the caste particulars of his eldest daughter. In fact, her eldest daughter E.Mageswari studied her +2 course in Kannagi Government Girls Higher Secondary School, Villianur, Puducherry where her caste particulars is wrongly mentioned as 'Hindu, Scheduled Caste Kuravan'. He and his family members hail from poor economic family background and they do not have own house or land. Indeed, they are residing at the bank of a lake situated in Government Poramboke land. Their avocation is Coolie. Inspite of their economic backwardness, they are desirous of educating their children. Since they belong to Scheduled Tribe, the Petitioner requires Scheduled Tribe Community Certificate for his children's education.

4.At this juncture, the Learned Counsel for the Petitioner submits that the Petitioner's parents and forefathers were illiterates and his children are the first generation children to get education. As a matter of fact, his eldest daughter E.Mageswari, after passing her +2 examination this year, is desirous of pursuing her graduate education in Arts Group and hence, submitted an Application No.9130 seeking admission into the first year degree course in BA (Tamil Literature) in the Arginar Anna Arts and Science College, Villupuram. But the Petitioner is not in a position to submit ST Community Certificate to the 5th Respondent/College. If the certificate is not produced before the concerned authority, his children's education will be in jeopardy. Added further, his second daughter E.Gayathri has studied 10th standard and is unable to pursue her higher education for want of ST Community Certificate and his third daughter E.Vanshri is studying 10th standard and his son E.Balamurugan is studying 5th standard.

5.The principle grievance advanced on behalf of the Petitioner is that the Respondents/Revenue Authorities are not providing him with the Scheduled Caste Community Certificate due to one reason or other thereby making him to run from pillar to post. He has submitted numerous representations before the Respondents/ Revenue Authorities and other authorities concerned seeking to take necessary action to issue necessary Scheduled Tribe Community Certificate to his eldest daughter E.Mageswari. Apart from that, he addressed a representations dated 29.01.2014 addressed to the 3rd Respondent/Revenue Divisional Officer, Villupuram; dated 08.09.2014 addressed to the 2nd Respondent/District Collector, Villupuram vide Petition No.V.S./14/08/439; dated 17.10.2016 addressed to the District Collector, Villupuram vide Petition No.1814 forwarded to RDO, Villupuram dated 22.06.2018 and 26.6.2018 submitted to the District Collector and RDO, Villupuram and to the 5th Respondent/Principal, Arignar Anna Govt. Arts and Science College, Villupuram. He had also submitted an affidavit before the 3rd Respondent/RDO, Villupuram, but, all these proved in vain. In short, the Respondents 1 to 3 had not taken any action in the subject matter in issue, for reasons best known to them.

6.The Learned Counsel for the Petitioner brings it to the notice of this Court that many of the Petitioner's blood relatives are belonging to ST Community were issued ST Community Certificate and notwithstanding the fact he had furnished necessary details to the Respondents 1 to 3 in the subject matter in issue, no action has been taken by them. Hence, he has filed the present Writ Petition before this Court seeking for issuance of direction to the 3rd Respondent/Revenue Divisional Officer, Villupuram District to issue Hindu Malaikuravan Scheduled Tribe (ST) Community Certificates to his four children viz., (1)E.Mageswari, aged 17 years, (2)E.Gayathri, aged 16 years, (3)E.Vanishri, aged 15 years and (4)E.Balamurugan, aged 10 years at the earliest.

7.No counter is filed on behalf of the Respondents 1 to 5.

8.As far as the present case is concerned, the Petitioner had addressed a representation dated 26.06.2018 to the Respondents 2, 3 and 5 praying for issuance of Community Certificate in respect of his four children viz.,(1) E.Mageswari, (2) E.Gayathri, (3) E.Vanishri, (4) E.Balamurugan, so as to enable them to pursue their further education. In the said representation, the Petitioner had mentioned that on 29.01.2014 he had addressed a representation to the Revenue Divisional Officer, Villupuram wherein he had prayed for issuance of Community Certificates to his children.

Even on 08.09.2014 in Ref.No.VS/14/08439 in the People's Grievance Camp before the 2nd Respondent/District Collector, Villupuram, he had made a request for issuance of Community Certificate. Again on 17.10.2016 in Application No.1814(RDO, Villupuram), he had sought for issuance of Community Certificate by making a request before the District Collector, Villupuram and till date, his children were not issued with the Community Certificates. As a matter of fact, the Revenue Tahsildar, Villupuram, in his Memo in Na.Ka.A./4 23717/2016 dated 24.10.2016, had addressed the Revenue Inspector, Villupuram making a request to conduct an enquiry in regard to the 'Blood Relatives Documents' of the Petitioner and to submit a report.

9.Considering the fact that the Petitioner had made his last representation dated 17.10.2016 addressed to the District Collector in Application No.1814 seeking issuance of Community Certificate for his four children and till date, no progression has taken place in the subject matter in issue [despite the fact that the Revenue Tahsildar, Villupuram had addressed a Memo dated 24.10.2016 to the Revenue Inspector, Villupuram as stated supra], at this stage, this Court, simpliciter, [without expressing any opinion on the merits of the matter and also not delving deep into the issue], deems it fit and proper, in directing the 3rd Respondent/Revenue Divisional Officer, Villupuram District to look into the representation of the Petitioner dated 26.06.2018 within a period of one week from today and thereafter, to dispose of the said representation dated 26.06.2018, within a period of four weeks from the date of receipt of copy of this order. It cannot be gainsaid that the 3rd Respondent/ Revenue Divisional Officer, Villupuram District is directed to pass a reasoned speaking order on merits in a free, fair, just, unbiased and in dispassionate manner, of course, after providing necessary opportunities to the Petitioner, by adhering to the Principles of Natural Justice.

10.With the aforesaid observations and directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sgl

To

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

2.The District Collector,
Villupuram - 605 602
Villupuram District.

3.The Revenue Divisional Officer,
Villupuram Taluk,
Villupuram District - 606 202.

4.The Tahsildar,
Villupuram,
Villupuram District - 606 202.

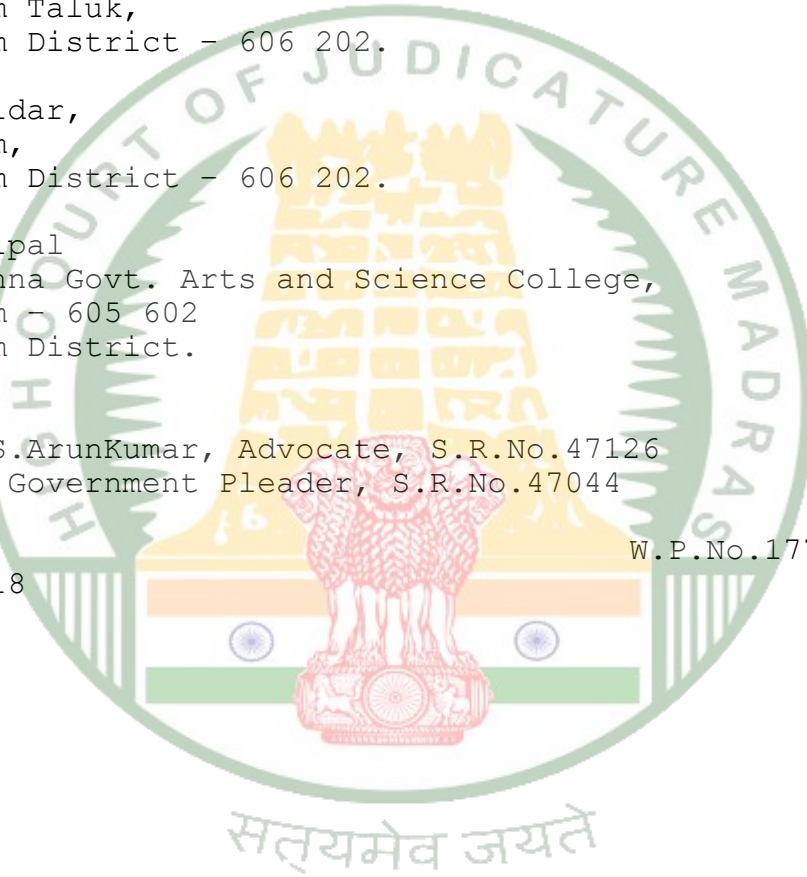
5.The Principal
Arignar Anna Govt. Arts and Science College,
Villupuram - 605 602
Villupuram District.

+1cc to Mr.S.ArunKumar, Advocate, S.R.No.47126

+1cc to the Government Pleader, S.R.No.47044

W.P.No.17723 of 2018

BM 18/07/2018



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