

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.26339 of 2018

S.Mahendran

.. 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 to call for the records relating to the order of rejection passed in Na.Ka.10640/2015/A4, dated 26.10.2016 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the children of the petitioner, viz., (1) K.M.Tharani and (2) K.M.Avinash Karthick that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the parents.

For petitioner : Mr.V.Elangovan

For respondent : Mr.K.Rajendra Prasad, Addl.G.P.

ORDER

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

The petitioner has filed this Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the order of rejection passed in Na.Ka.10640/2015/A4, dated 26.10.2016 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the children of the petitioner, viz., (1) K.M.Tharani and (2) K.M.Avinash Karthick that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the parents.

2. It is the case of the petitioner that he has obtained Community Certificate from the respondent-RDO, Dharmapuri on 10.03.1997 stating that the petitioner belongs to "Kurumans (ST)

Community" and his wife M.Kaviyarasi had also obtained Community Certificate from the respondent on 21.05.1996. The above Certificates were issued after due enquiry and are still valid and they are not cancelled by any of the authorities. The petitioner's wife is working as Secondary Grade School Teacher in Pennagaram. In her Service Register, her community is entered as Kurumans (ST) Community. The petitioner's own brothers, viz., (1) M.Sivakumar, (2) M.Sasikumar and (3) M.Bakiaraj, also obtained Community Certificates from the respondent on 10.03.1997 stating that they belong to Kurumans (ST) Community. Hence, the petitioner has preferred an application to the respondent on 01.06.2015 for issuance of the Community Certificate to his children (1) K.M.Tharani and (2) K.M.Avinash Karthick, with necessary enclosures. Since no order was passed, the petitioner filed W.P.No.26806 of 2015 for a direction to the respondent to issue Community Certificate to his children stating that they belong to Kurumans (ST) Community based upon the Community Certificate already possessed by their parents. This Court, by order dated 27.08.2015, directed the respondent to dispose of the application within a period of eight weeks. Thereafter, the respondent issued notice to the petitioner for enquiry. During the enquiry, the petitioner has produced all the documents in support of his claim. Thereafter, the respondent also conducted a discreet enquiry in the Village and on the basis of the discreet enquiry, the respondent passed the impugned order, dated 26.10.2016 holding that the other close relatives entry in the school record and Birth/Death Registers show that they belong to Kurumba and Kurumbar Community and hence their Community Certificates are forwarded to the State Level Scrutiny Committee for verification. The petitioner was informed that the order could be passed only after verification of the relatives' Community Certificates by the State Level Scrutiny Certificate. Aggrieved by the said order, the present Writ Petition has been filed.

3. Heard both sides and perused the materials available on record.

4. Considering the facts and circumstances of the case and taking into account the submissions made by the learned counsel on either side, we are of the opinion that since Kurumans (ST) Community Certificates were already issued to the petitioner's own brothers, there is no hurdle for the respondent to issue Community Certificate to the children of the petitioner as sought for by the petitioner.

5. Accordingly, we direct the respondent to issue Kurumans (ST) Community Certificate to the children of the petitioner as prayed for in this Writ Petition, within a period of six weeks from the date of receipt of a copy of this order. We make it

clear that after issuance of Community Certificates to the children of the petitioner, the respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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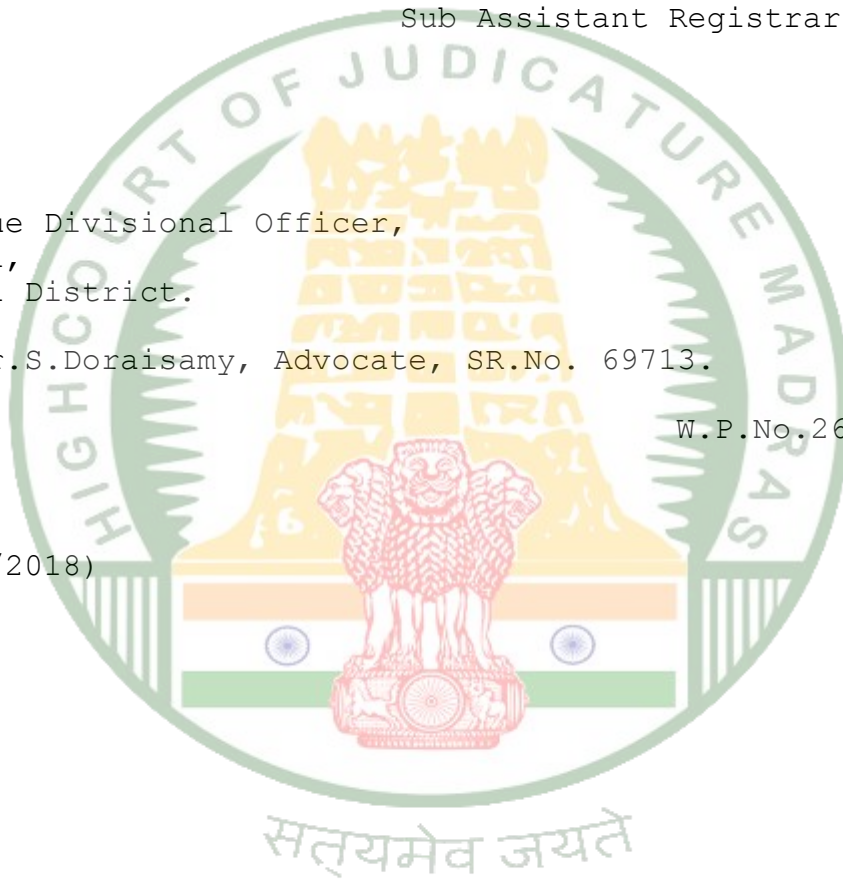
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate, SR.No. 69713.

W.P.No.26339 of 2018

rrs(15/10/2018)



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