

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.26346 of 2018

1. M.Moorthi
2. M.Gunanandhan
3. Minor M.Aarthi,
Rep. by her father and
natural guardian M.Moorthi
4. Minor M.Swetha,
Rep. by her father and
natural guardian M.Moorthi
5. Minor G.Yazhini,
Rep. by her father and
natural guardian M.Gunanandhan
6. Minor G.Hashini,
Rep. by her father and
natural guardian M.Gunanandhan
... Petitioners
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 proceedings in Na.Ka.665/2017/A4, dated 27.07.2017 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the petitioners that they belong to "Kurichchan (ST) Community", based upon the Community Certificate already issued to the first petitioner's blood relative K.Rangadurai which was verified by the State Level Scrutiny Committee in proceedings No.11148/CV111/2013, dated 13.02.2015.

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 proceedings in Na.Ka.665/2017/A4, dated 27.07.2017 on the file of the respondent, quash the same and direct the respondent to issue Community Certificate to the petitioners that they belong to "Kurichchan (ST) Community", based upon the Community Certificate already issued to the first petitioner's blood relative K.Rangadurai which was verified by the State Level Scrutiny Committee in proceedings No.11148/CV111/2013, dated 13.02.2015.

2.The first petitioner has sworn to the affidavit on behalf of all the petitioners stating that the second petitioner is the first petitioner's elder brother; the petitioners 3 and 4 are the first petitioner's daughters and the petitioners 5 and 6 are the second petitioner's daughters. It is their case that they belong to "Kurichchan Community". In all their school records, the Community has been entered as "Kurichchan Community. The first petitioner's father and his forefathers did not get any Community Certificate as they were all illiterates. The petitioner did not obtain any Community Certificate. The first petitioner's cousin brother K.Rangadurai obtained Community Certificate from the respondent on 26.05.1997, which was subjected to verification by the State Level Scrutiny Committee, which in its finding, dated 13.02.2015, concluded that the said Community Certificate is genuine. The petitioners preferred an application to the respondent on 12.08.2016 requesting to issue Community Certificate to them and they have also enclosed necessary enclosures along with the said application. Since no orders were passed, the petitioners preferred W.P.No.40075 of 2016, and this Court, by order dated 15.11.2016, directed the respondent to consider and pass orders on the application of the petitioners within a period of three months, taking into account the Community Certificate already issued to K.Rangadurai, which was verified by the State Level Scrutiny Committee. The respondent passed an order on 27.07.2017 rejecting the application of the petitioners. Hence, the present Writ Petition is filed for the relief stated supra.

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 Kurichchan (ST) Community Certificate was already issued to the petitioner's blood relative K.Rangadurai, which was verified by the State Level Scrutiny Committee and confirmed by it to be genuine, there is no hurdle for the respondent to issue Community

Certificate to the petitioners.

5. Accordingly, we direct the respondent to issue Kurichchan (ST) Community Certificate to the petitioners 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 petitioners, 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-VIII)

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Sub Assistant Registrar

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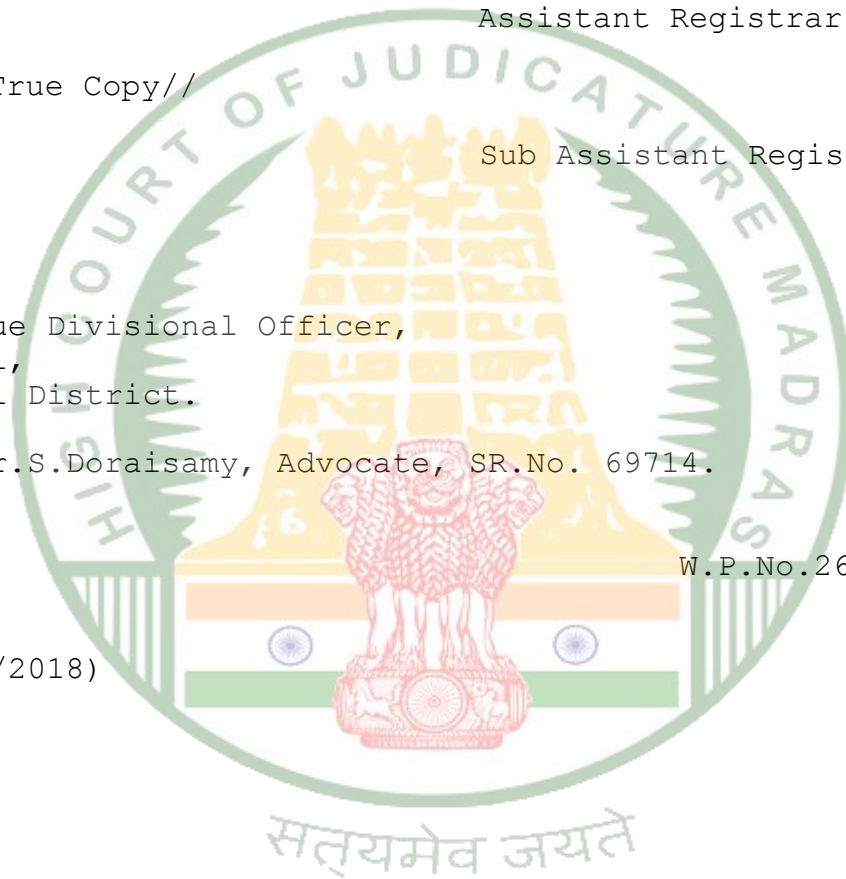
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+lcc to Mr.S.Doraisamy, Advocate, SR.No. 69714.

W.P.No.26346 of 2018

rrs(05/10/2018)



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