

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.10.2018

CORAM:
THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE R.PONGIAPPAN

WRIT PETITION No.26533 of 2018

S.Akilavel

... Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in Pa.Mu.5826/2017/A4, dated 05.06.2018 on the file of the Respondent, quash the same and direct the Respondent to issue Community Certificate to the children of the Petitioner, viz. (i) Minor A.Navashree (ii) Minor A.Baranivel that they belong to "Kurumans (ST) Community", based upon the Community Certificate possessed by the Petitioner and his family members.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Rajendra Prasad,
Additional Government Pleader

O R D E R

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

Petitioner has come up with the present Writ Petition seeking to quash the order dated 05.06.2018 passed by the Respondent and for a direction to the Respondent to issue Community Certificate to his children, viz. (i) Minor A.Navashree (ii) Minor A.Baranivel that they belong to "Kurumans (ST) Community", based upon the Community Certificate possessed by him and his family members.

2. According to the Petitioner, he is working as Secondary Grade Teacher in the Panchayat Union School and he belongs to Kurumans Community, which is classified as Scheduled Tribe Community. He has further stated that he obtained Community Certificate from the Respondent on 10.06.1996 stating that he belongs to 'Kurumans' Community and that his own brother,

Thiyagavel, his mother's brother Munusamy's sons and daughter, viz. (i) Manirathinam (ii) Achuthan (iii) Jayathilagan and (iv) Gomathi were also issued with Community Certificates that they belong to Kurumans (ST) Community and the same have been verified by the State Level Scrutiny Committee and held to be genuine vide proceedings No.6148/CVIII/2012, dated 07.05.2014.

3. The Petitioner has preferred an Application to the Respondent on 01.06.2015 for the issuance of Community Certificate for his children, viz. (i) Minor A.Navashree and (ii) Minor A.Baranivel. Along with the Application, the following documents were enclosed.

(i) The Petitioner's Community Certificate dated 10.06.1996 issued by the Respondent

(ii) Community Certificate dated 10.06.1996 issued by the Respondent to the Petitioner's own brother Thiayagavel

(iii) Community Certificate of the Petitioner's maternal Uncle Munusamy's Sons and daughter viz. (i) Manirathinam (ii) Achuthan (iii) Jayathilagan and (iv) Gomathi, issued by the Respondent, dated 02.06.1997.

(iv) State Level Scrutiny Committee Report in respect of the Petitioner's maternal Uncle's son Manirathinam, dated 07.05.2014

4. Since no order was passed by the Respondent on his Application, the Petitioner filed W.P.No.24132 of 2015 for a direction to issue Community Certificate to his children that they belong to Kurumans (ST) Community, based upon the Community Certificate already possessed by him and his family members. By an order dated 06.08.2015, this Court directed the Respondent to dispose of the Petitioner's Application within a period of eight weeks. Pursuant thereto, the Respondent herein issued a notice to the Petitioner for an enquiry. During the enquiry, the Petitioner produced all the above documents in support of his claim. Thereafter, the Respondent conducted a discreet enquiry and passed an order dated 05.06.2018 holding that the entries in the School Records and Birth/Death Registers of the Petitioner's close relatives show that they belong to 'Kurumba' and 'Kurumbar' Community and forwarded the Petitioner's Community Certificate to the State Level Committee to verify the genuineness of the Petitioner's Community. Challenging the same, the Petitioner is before this Court by way of the present Writ Petition.

5. Learned counsel for the Petitioner submitted that when the Petitioner and his family members possess valid Community Certificates, the Petitioner is entitled to obtain Community Certificate for his children without any further enquiry.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Be that as it may, considering the facts and circumstances of the case, the impugned order dated 05.06.2018 passed by the Respondent vide proceedings in Pa.Mu.5826/2017/A4, is set aside. The Respondent/Revenue Divisional Officer, Dharmapuri is directed to issue Community Certificate to the Petitioner's minor children, viz. (i) Minor A.Navashree and (ii) Minor A.Baranivel, based on the Community Certificate already issued to the Petitioner and his family members, as early as possible, and in any case, within a period of six weeks from the date of receipt of a copy of this order.

8. We make it clear that after issuance of Community Certificates to the Petitioner's children, the Respondent is at liberty to send the same for verification to the State Level Scrutiny Committee.

The Writ Petition is allowed with the above direction. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

aeb

To:

The Revenue Divisional Officer,
Dharmapuri.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.72051

W.P.No.26533 of 2018

rrs 24/10/2018