

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.10.2018

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THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.26523 of 2018

S.Agilavani

... Petitioner

Vs.

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondent to issue community certificate to the petitioner's son A.S.Sanjay that he belongs to "Kurumans (ST) Community" based upon the proceedings of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.7085/CVIII/201, dated 09.06.2014 and the community certificate already obtained by the petitioner and his family members.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.K.Rajendra Prasad, AGP

* * * * *

ORDER

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

This writ petition has been filed praying for issuance of a writ of Mandamus directing the respondent to issue community certificate to the petitioner's son A.S.Sanjay that he belongs to "Kurumans (ST) Community" based upon the proceedings of the State Level Scrutiny Committee passed in favour of the petitioner in Proceedings No.7085/CVIII/201, dated 09.06.2014 and the community certificate already obtained by the petitioner and his family members.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner that the petitioner belongs to Kurumans Community, which is a Scheduled Tribe Community.

She is working as Sub-Divisional Engineer, BSNL under Scheduled Tribe quota. She obtained community certificate from the Revenue Divisional Officer, Dharmapuri on 21.06.1994. Her own brother and sister also obtained community certificate from the Revenue Divisional Officer, Dharmapuri. The Deputy General Manager (Employer) has referred her community certificate to the District Collector, Dharmapuri for verification and genuineness. The District Collector, Dharmapuri in turn referred her community certificate to the State Level Scrutiny Committee for verification as per the G.O.(Ms).No.108, Adi Dravidar and Tribal Welfare (CV1) Department, dated 12.09.2007. Thereafter, the State Level Scrutiny Committee issued notice to her to appear for enquiry. Accordingly, she appeared before the State Level Committee for enquiry regarding genuineness of her community certificate. After thorough enquiry, the Tamil Nadu State Level Scrutiny Committee gave its finding on 09.06.2014 in Proceedings No.7085/CVIII/2011 to the effect that her community certificate dated 21.06.1994 is genuine and she belongs to Kurumans community. Based upon the Committee order, the respondent issued community certificate on 30.10.2017 to her daughter A.S.Sasmita (aged 7 years) that she belongs to Kurumans (ST) Community. On 17.10.2014, she gave birth to another baby namely A.S.Sanjay (now aged 4 years). The petitioner preferred an application to the respondent on 22.12.2017 requesting to issue community certificate to her son A.S.Sanjay that he belongs to Kurumans (ST) Community. But, the application of the petitioner was not considered by the respondent. Hence, the present writ petition has been filed by the petitioner for the relief as stated supra.

3. When the matter was taken up, the learned counsel for the petitioner submitted that the petitioner was issued with Schedule Tribe community certificate and the same was also verified and found to be genuine by the State Level Scrutiny Committee by its proceedings dated 09.06.2014. When that being so, there cannot be any impediment for the respondent to issue community certificate to the petitioner's son.

4. Mr. K. Rajendra Prasad, learned Additional Government Pleader appearing for the respondent would contend that he has verified with the respondent and found that the petitioner belongs to Kurumans (ST) Community and the community certificate issued to her is genuine. Thus, in the factual scenario, he submitted that suitable order may be passed.

5. Considering the submissions made by the learned counsel on either side and also the fact that the petitioner was already issued with a community certificate indicating that she belongs to Kurumans (ST) Community and that the said community certificate was also verified and confirmed by the State Level Scrutiny Committee, there cannot be any impediment for the

respondent to issue the Kurumans (ST) Community Certificate to the petitioner's son after verifying the documents. Accordingly, We direct the respondent to issue the community certificates to the petitioner's son A.S.Sanjay that he belongs to Kurumans (ST) Community within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition stands disposed of.

No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

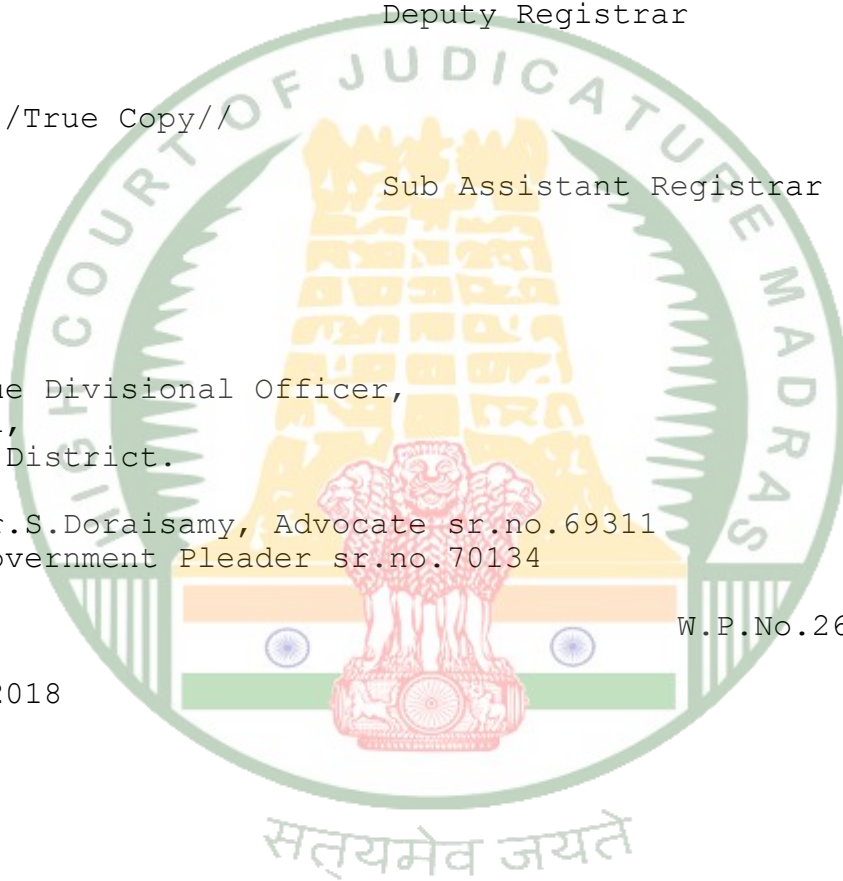
To,

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate sr.no.69311
+1cc to Government Pleader sr.no.70134

W.P.No.26523 of 2018

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