

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.10.2018

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

W.P.No.28229 of 2018

S.Thangaraj

..Petitioner

-vs-

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

..Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in Na.Ka.8647/2015/A4 dated 03.03.2016 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) T.Divya 2) T.Narmadha and 3) T.Hariharan that they belong to Kurumans (ST) Community based upon the community certificate possessed by the petitioner and his brother and other family members.

For Petitioner :: Mr.S.Doraisamy

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

ORDER

(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 03.03.2016 passed by the respondent and for a direction to the respondent to issue Community Certificate to his children, viz., (i) T.Divya (ii) T.Narmadha and (iii) T.Hariharan that they belong to Kurumans (ST) Community based upon the community certificate possessed by the petitioner and his brother and other family members.

2. According to the petitioner, he is an agriculturist 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 24.07.1996 stating that he belongs to 'Kurumans' community and that his own brother, S.Ramkumar and sister S.Lakshmi were also issued with community certificates that they belong to Kurumans (ST)

Community by the respondent on 28.12.1995 and 24.07.1996 respectively.

3. The petitioner has preferred an application to the respondent on 22.03.2015 for the issuance of community certificate for his children, viz. (i) T.Divya (ii) T.Narmadha and (iii) T.Hariharan. Along with the application, the following documents were enclosed.

- (i) The petitioner's community certificate dated 24.07.1996 issued by the respondent
- (ii) Community Certificate dated 28.12.1995 issued by the respondent to the petitioner's own brother S.Ramkumar
- (iii) Community Certificate dated 24.07.1996 issued by the respondent to the petitioner's own sister S.Lakshmi
- (iv) Community Certificate dated 18.05.1995 issued by the respondent to the petitioner's sister's husband S.Senthilvelan
- (v) Petitioner's school records
- (vi) School Transfer certificates of his children

4. Since no order was passed by the respondent on his application, the petitioner filed W.P.No.22512 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 brother and sister. By an order dated 29.07.2015, this Court directed the respondent to dispose of the petitioner's application within a period of four 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 03.03.2016 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 03.03.2016 passed by the respondent vide proceedings in Na.Ka.8647/2015/A4, is set aside. The respondent/Revenue Divisional Officer, Dharmapuri is directed to issue community certificates to the petitioner's children, viz., (i) T.Divya (ii) T.Narmadha and (iii) T.Hariharan, based on the community certificates already issued to the petitioner and his brother and other 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. Consequently, W.M.P.No.32909 of 2018 is closed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ss

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.74918

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W.P.No.28229 of 2018

MG (CO)

rrs 02/11/2018

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