

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM

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

W.P.No.28850 of 2018

N.Rajkumar

.. Petitioner

-vs-

1. The Collector and Chairman
District Level Vigilance Committee
Salem District, Salem

2. The Sub Collector
Mettur Dam, Mettur

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to issue community certificate to the petitioner's daughters R.Pranitha and R.Haritha Reddy to the effect that they belong to the Konda Reddis community (Scheduled Tribe) on the basis of the community certificate issued to the father viz., (petitioner herein) dated 06.11.1989.

For Petitioner :: Mr.V.Vijay Shankar

For Respondents :: 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 for issuance of a mandamus to the respondents to issue community certificate to the petitioner's daughters R.Pranitha and R.Haritha Reddy to the effect that they belong to Konda Reddi community (Scheduled Tribe) on the basis of the community certificate issued to petitioner herein dated 06.11.1989.

2. According to the petitioner, he belongs to Konda Reddi community, which is classified as Scheduled Tribe Community and he had been issued with a community certificate to the said

effect by the Tahsildar, Mettur Dam on 6.11.89. He has further stated that his cousin brothers and sisters have also been issued with the community certificates stating that they belong to Konda Reddi community.

3. The petitioner has preferred an application to the second respondent on 22.03.2013 for the issuance of community certificate for himself and for his children, viz., R.Pranitha and R.Haritha Reddy. Along with the application, the following documents were enclosed.

- (i) The petitioner's community certificate dated 06.11.1989 issued by the Tahsildar, Mettur Dam
- (ii) School Transfer Certificate of his sister N.Tamizharasi
- (iii) Affidavits of his close relatives, etc.

4. Since no order was passed by the second respondent on his application, the petitioner filed W.P.No.315 of 2014 for a direction to the respondents to consider his application. By an order dated 08.01.2014, this Court directed the respondent to dispose of the petitioner's application. However, the second respondent has rejected the request of the petitioner by his order dated 18.2.2015. Challenging the same, the petitioner has filed an appeal to the first respondent and the same is pending. Since the petitioner's daughter is studying 12th Standard and is to appear for the ensuing Public Examinations and also proposes to write the NEET examination, the petitioner is in need of the community certificate for pursuing their education. Hence, 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 cousin brothers and sisters 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 respondents are directed to issue community certificates to the petitioner's children, viz., R.Pranitha and R.Haritha Reddy, based on the community certificate already issued to the petitioner, 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 respondents are at liberty to send the community certificates of the petitioner and his children for verification to the State Level Scrutiny Committee.

The Writ Petition is disposed of with the above direction.
No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ss

To

1. The Collector and Chairman
District Level Vigilance Committee
Salem District, Salem
2. The Sub Collector
Mettur Dam, Mettur

+1cc to Mr.V.Vijay Shankar, Advocate, S.R.No.75752

+1cc to the Government Pleader, S.R.No.78297

W.P.No.28850 of 2018

GSP (22/11/2018)

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