



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 27.08.2018

CORAM:

**THE HONOURABLE MR.JUSTICE T.RAJA**

**AND**

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

**W.P (MD) No.11281 of 2018**

Renuka

... Petitioner

Vs.

1. The District Collector,  
Thanjavur District,  
Thanjavur.

2. The Tahsildar,  
Thiruvaiyaru Taluk,  
Thanjavur District,  
Thanjavur.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the first respondent to direct the second respondent to issue Community Certificate of Adi-Dravidar Hindu-Pallan Community Certificate to the petitioner's son - G.Kanagavijayaragavan and her daughter - G.Sapthavahini, by considering the petitioner's application dated 23.02.2018 within the period stipulated by this Court.

For Petitioner : Mr.P.Krishnaveni  
for Mr.A.Haja Mohideen  
For Respondents : Mr.VR.Shanmuganathan  
Special Government Pleader

**ORDER**

Mrs.Renuka, wife of Mr.Gopinath, has come to this Court seeking a writ of Mandamus to direct the first respondent to direct the second respondent to issue Community Certificate of Adi-Dravidar Hindu-Pallan Community Certificate to the petitioner's son - G.Kanagavijayaragavan and her daughter - G.Sapthavahini, by considering the petitioner's application dated 23.02.2018 within the period stipulated by this Court.

2. By consent, the writ petition is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices/>

3. Learned Counsel for the petitioner would submit that the



petitioner belonged to Hindu - Pallan Community and she is residing with her parents at North Adi-Dravidar Street, Perumpuliyur Village, Thiruvaiyaru Taluk, Thanjavur District. She got married to Mr.Gopinath, son of Mr.Mahadevan, who belonged to Hindu - Brahmin (Forward Community) and their marriage was registered with the Sub-Registrar Office at Thiruvaiyaru. The second respondent - Tahsildar, Thiruvaiyaru Taluk, Thanjavur District, after verifying the documents, issued inter-caste Certificate and they are presently residing at 34-A, Abdul Hameed Nagar, Kandiyur Post, Thiruvaiyaru Taluk, Thanjavur District. Although the petitioner's husband has completed I.T.I., and learnt Sanskrit, fell in love with the petitioner while serving as a Poojari in a Sivan Temple in Tiruchirappalli. They have also given birth to two children, namely, G.Kanagavijayaragavan and G.Sapthavahini. As the entire family is under the care of the petitioner, as per G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975, which says that if the way of life in which the children are brought up on the basis of the declaration given by the parents, the community certificate shall be issued. Therefore, in the present case, when the petitioner's husband and her two children are under her care and the petitioner belongs to Adi-Dravidar [Hindu - Pallan Community], accepting the applications bearing Nos.2018/0204/21/004504 and 2018/0204/21/004505, the Community Certificates should be issued certifying that her children belong to Hindu - Pallan Community. She has also produced her Community Certificate showing that she belongs to Hindu - Pallan Community. Till date, the respondents have not come forward to consider her representation in respect of the Community Certificate filed by the petitioner and hence, a direction should be given in the light of G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975, it is pleaded.

4. Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents reiterating the averments in the detailed counter affidavit filed by the respondents, submitted that admittedly, the petitioner's husband, Mr.M.Gopinath belonged to Hindu - Brahmin Community as his Transfer Certificate also clearly shows that he belonged to Hindu - Brahmin Community. However, the petitioner's Community Certificate shows that she belonged to Hindu - Pallan Community. When she applied for Community Certificate for her son, namely, G.Kanagavijayaragavan under Citizen Account No.0332102059583 and for her daughter, namely, G.Sapthavahini under Citizen Account No.0332102059584, as per G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975, on receipt of the declaration from the parents showing as to how the children were brought up, the Community Certificates shall be issued. In the present case, the request for issuance of Community Certificates in respect of the petitioner's children will be considered in the light of the G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975.



5. Heard the learned Counsel for the parties.

6. At this juncture, it is relevant to extract G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975, hereunder for ready reference:

WEB COPY

"GOVERNMENT OF TAMIL NADU

ABSTRACT

Children born to inter-caste married couple -  
Determination of Community - Orders - Issued.

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SOCIAL WELFARE DEPARTMENT

G.O.Ms.No.477

DATED 27.6.1975

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ORDER:-

The Government have been extending certain concessions to the members of Scheduled Tribes, Scheduled Castes and Backward Classes from time to time. A question has arisen about the determination of the community of the children born of inter-caste marriages.

2. The Government after carefully examining the question, direct that the children born of inter-caste marriages, that is marriages -

i.between a person of a Scheduled Tribe and another of a Scheduled Caste or Backward Class or Forward Class;

ii.between a person of a Scheduled Caste and another of a Backward Class or Forward Class; and

iii.between a person of a Backward Class and of a Forward Class.

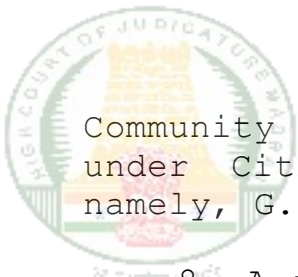
shall be considered to belong to either the community of the father or the community of the mother according to the declaration of the parents regarding the way of life in which the children are brought up and that the declaration in respect of one child will apply to all children.

(BY ORDER OF THE GOVERNOR)

S.SATYABHAMA,

SECRETARY TO GOVERNMENT."

7. It is admitted case that the petitioner belonged to Hindu - Pallan Community. The Community Certificate issued in favour of the petitioner shows that the petitioner belonged to Hindu - Pallan Community. However, the petitioner's husband belonged to Hindu - Brahmin (Forward Community). They got married and finally, given birth to two children, namely, G.Kanagavijayaragavan and G.Sapthavahini. In the meanwhile, the applications have been filed by the petitioner for obtaining



Community Certificate for her son, namely, G.Kanagavijayaragavan under Citizen Account No.0332102059583 and for her daughter, namely, G.Sapthavahini under Citizen Account No.0332102059584.

8. A perusal of the aforesaid Government Order clearly shows that on the basis of the declaration given by the parents saying that their children have been brought up in a particular community, the Community Certificate shall be issued by the competent authority. In modification of the above Government Order, subsequent G.O.(2D):17, dated 16.08.1994 came to be issued and it is relevant to reproduce hereunder paragraph 3:

"3. In modification of the orders issued in G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975, the Government directed that Scheduled Caste/Scheduled Tribe Certificates to the off-springs of inter-caste married couple, where one of the spouses is a member of Scheduled Caste/Schedule Tribe community, will be issued after verification of the acceptance given by the members of Scheduled Caste/Schedule Tribe community living in that area."

9. A careful scrutiny of both the Government Orders would clearly show that if one of the spouses is a member of Scheduled Caste/Scheduled Tribe, on application for issuance of Community Certificate to their children, the Community Certificate shall be issued after verification of the acceptance given by the members of Scheduled Caste/Schedule Tribe community living in that area. In the case on hand, admittedly, the petitioner belonged to Hindu - Pallan Community.

10. Therefore, on the basis of the joint declaration to be given by the petitioner and her husband, the competent authority shall consider the claim of the petitioner for issuance of Community Certificates to the children of the petitioner, namely, G.Kanagavijayaragavan and G.Sapthavahini and issue the Community Certificates to them in the light of G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975 and G.O.(2D):17, dated 16.08.1994. Such exercise shall be completed within a period of four weeks from the date of receipt of the joint declaration made by the parents of the children, namely, the petitioner and her husband.

11. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (AS)

/True Copy/



To

1. The District Collector,  
Thanjavur District,  
Thanjavur.

2. The Tahsildar,  
Thiruvaiyaru Taluk,  
Thanjavur District,  
Thanjavur.

+1cc to Mr.A.Haja Mohideen, Advocate SR.No.80528

+1cc to Special Government Pleader, SR.No.80623

RSB

MK/RP/SAR 1/07.09.2018/5P/5C

**W.P(MD)No.11281 of 2018**

**27.08.2018**