

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.4640 of 2019

G.Deepak
S/o.K.Gopal

... Petitioner

Vs

The Revenue Divisional Officer,
Harur,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings in Na.Ka.3818/2018/A3 dated 20.10.2018, quash the same and direct the respondent to issue Community Certificate to the petitioner's daughter Minor D.Lakshya Sai that she belongs to "Kurumans (ST) Community" based upon the Community Certificate already issued to the petitioner, his son and his father which was confirmed by the State Level Scrutiny Committee by its proceedings No.13545/CVIII/2013 dated 19.02.2015.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH,J]

Petitioner has filed this writ petition seeking quash of the order of rejection passed by the respondent in proceedings in Na.Ka.3818/2018/A3 dated 20.10.2018 and consequently, direct the respondent to issue Community Certificate to the petitioner's daughter Minor D.Lakshya Sai that she belongs to "Kurumans (ST) Community" based upon the Community Certificate already issued to the petitioner, his son and his father which was confirmed by

the State Level Scrutiny Committee by its proceedings No.13545/CVIII/2013 dated 19.02.2015.

2. Heard learned counsel for the petitioner and learned Special Government Pleader for the respondents.

3. According to the petitioner, he belongs to Kurumans, a scheduled tribe community. Petitioner's father holds such a Community Certificate issued by the Head Quarters Deputy Tahsildar, Harur, on 12.10.1979. Petitioner's father was an employee of Chennai Port Trust and he retired from service on 31.01.2011. Petitioner's father's Community Certificate has been sent to the State Level Scrutiny Committee for verification by the Chennai Port Trust. The State Level Scrutiny Committee, after conducting due enquiry, gave a finding that petitioner's father belongs to Kurumans Community and the Community Certificate, which he holds, is genuine. Petitioner submitted an application to the respondent on 24.02.2015 requesting to issue Community Certificate to the petitioner that he belongs to Kurumans (ST) Community. Since no order was passed, petitioner filed W.P.No.14432 of 2015 before this Court and this Court, by order dated 23.06.2015, directed as follows:

'3. Concededly, the petitioner's father's status that he belongs to Kurumans community has been confirmed by the State Level Scrutiny Committee vide Proceedings No.13545/CVIII/2013 dated 19.02.2015. Thus being the position, as a natural corollary, the petitioner also is entitled to get the community certificate that he belongs to Kurumans community.'

4. In such view of the matter, the respondent/authority is directed to consider the petitioner's application dated 24.02.2015 in the light of the community certificate/social status certificate issued to his father and issue necessary certificate to the petitioner after proper verification and enquiry, as required for issuance of community/social status certificate, within a period of four weeks from the date of receipt of a copy of this order.'

The order of this Court has not been complied with and hence, petitioner filed a Contempt Petition No.1619 of 2015 before this Court. However, the respondent rejected the petitioner's application on 03.09.2015 stating that he has not produced the original SLSC report and service register of his father. Petitioner, again, filed Cont.P.No.2067 of 2015 and in keeping with the directions of this Court, he filed W.P.No.30710 of 2015 challenging the order of rejection. When the Writ Petition came up for admission, this Court has directed the respondent to

appear before the Court on the next hearing date and accordingly, the respondent appeared before this Court and on his appearance, this Court directed him to issue Community Certificate to the petitioner. Pursuant thereto, respondent has issued the Community Certificate to the petitioner and recording such position the above said Writ Petition was closed. The grievance of the petitioner is that he has submitted an application towards issuance of Community Certificate to his son and daughter and this Court has also passed orders in W.P.No.8783 of 2017 on 12.04.2017 directing the respondent to dispose of the petitioner's application. Pursuant thereto, the respondent has issued Community Certificate to his son and rejected his daughter's application on the reasoning that school records and birth/death registers of petitioner's father and forefather inform that they belonged to 'Kurumbar' community. According to the petitioner, this Court has already held that there is no such community as 'Kurumbar' and the Secretary to Government has also issued circular in Letter No.901/CV1/2014-1 dated 18.03.2014 to all the competent authorities to recall the certificates already issued as 'Kurumbar' and not to refer 'Kurumbar' in any of the proceedings. The main grievance of the petitioner is that being a sub-ordinate officer, the respondent cannot question the findings of State Level Scrutiny Committee. Submitting as above, learned counsel prays this Court to direct the respondent to issue Community Certificate to petitioner's daughter.

4. Learned counsel for petitioner submits that when the petitioner possesses valid Community Certificate, his daughter is entitled to obtain Community Certificate without any further enquiry.

Considering the facts and circumstances of the case, the Writ Petition is allowed and the impugned order passed by the respondent in proceedings in Na.Ka.3818/2018/A3 dated 20.10.2018, is set aside. Respondent is directed to issue Community Certificate to petitioner's daughter Minor D.Lakshya Sai, based on the Community Certificate issued to petitioner, his son and his father, as early as possible, and in any event, within a period of six weeks from the date of receipt of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gm

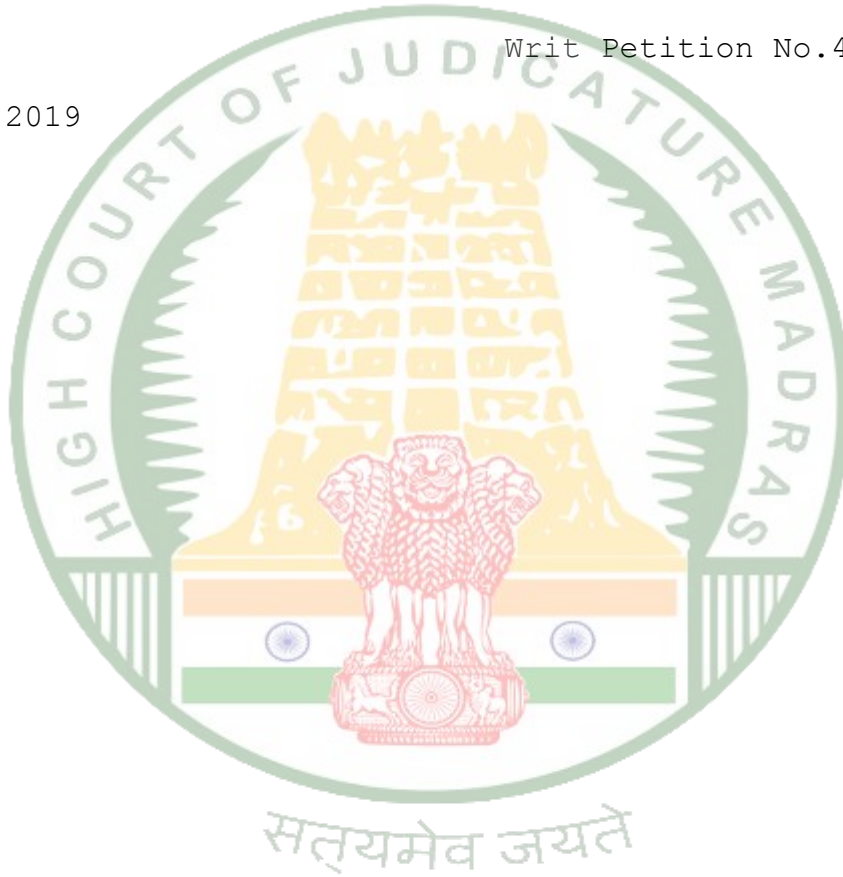
To

The Revenue Divisional Officer,
Harur,
Dharmapuri District.

+1 cc to The Government Pleader, SR.No.25085
+1 cc to Mr.S.Doraisamy, Advocate SR.No.24537

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PP(CO)
CSL/03.04.2019



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