

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2019

Coram:

The Honourable Mr. Justice R. SUBBIAH
and
The Honourable Mr. Justice KRISHNAN RAMASAMY

W.P.No.6401 of 2019

C. Loganathan

...Petitioner

Versus

1. The Collector,
Dharmapuri,
Dharmapuri District.

2. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to issue community certificate to the petitioner's children viz., 1.L.Gowsalya and 2.L.Logeshwaran to the effect that they belong to Kurumans (ST) community based upon the community certificate already issued to the close relatives of the petitioner namely (i)M.Ravi, (ii)G.Rajappan, (iii)N.Chinnasamy and on the verification report of the 1st respondent committee in respect of N.Chinnasamy.

For Petitioner : Mr.V.Elangovan

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

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O R D E R

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

The above Writ Petition has been filed by the petitioner praying for issuance of a Writ of Mandamus directing the respondents to issue community certificate to the petitioner's children viz., 1.L.Gowsalya and 2.L.Logeshwaran that they belong to Kurumans (ST) community based upon the community certificate already issued to the close relatives of the petitioner namely

M.Ravi, G.Rajappan, N.Chinnasamy and based on the verification report of the first respondent committee in respect of N.Chinnasamy.

2.1. It is the case of the petitioner that he belongs to the Kurumans community which is recognized as Scheduled Tribe (ST) Community. As he is an agriculturalist by occupation, there is no necessity for him to obtain community certificate. But now, he is in need of the community certificate for the educational purpose of his children viz., 1.L.Gowsalya and 2.L.Logeshwaran. Hence, he submitted an Application/Representation before the second respondent/Revenue Divisional Officer (RDO) requesting to issue community certificate to his children. Along with the said Application, he has also enclosed necessary documents viz.,

(a) The petitioner's school record, in which his community is entered as Kurumans (ST) community.

(b) The petitioner's daughter L.Gowsalya school certificate in which his community is entered as Kurumans (ST) community.

(c) The petitioner's son L.Logeshwaran school certificate in which his community is entered as Kurumans (ST) community.

(d) Community certificate of M.Ravi who is petitioner's father's brother's grandson.

(e) Community certificate of G.Rajappan who is petitioner's father's brother's son.

2.2. Since the said Application was not considered by the second respondent, the petitioner had filed a Writ Petition in W.P.No.20185 of 2015 before this Court. Pending the said Writ Petition, on 10.07.2015, the second respondent has passed an order rejecting the Application of the petitioner. As against which, the petitioner has filed another Writ Petition in W.P.No.22348 of 2015.

2.3. When the matter came up for hearing on 24.07.2015, this Court issued a notice to R.Manuel Raj, the then Revenue Divisional Officer (RDO) to show cause, as to why, action should not be initiated against him for such a casual work done by him in passing the impugned order dated 10.07.2015 and directed the matter to be listed on 11.08.2015. On 11.08.2015, this Court passed an order directing the said R.Manuel Raj to be present in the Court on 02.09.2015 to submit his explanation. Accordingly, the said Manuel Raj appeared before this Court and withdraw his rejection order. While so, on 28.08.2015, another RDO, K.Ramamoorthy had rejected the Application of the petitioner holding that the petitioner belongs to Kurumba community, and therefore, Kurumans community certificate cannot be issued to his children. Against which, the petitioner had filed yet another Writ Petition in W.P.No.28713 of 2015. Pending the said Writ Petition, it was represented by the learned Special

Government Pleader that the impugned order dated 28.08.2015 was recalled and prayed that liberty may be granted to take a fresh decision on the entire issue. Accordingly, the above Writ Petition was ordered by this Court directing the second respondent to take a decision in accordance with law within a period of four weeks.

3. In the meantime, the second respondent by his proceedings dated 02.04.2016 referred the community certificate of petitioner's relative viz., Rajappan to the State Level Scrutiny Committee (hereinafter referred to as 'SLSC') for verification and is waiting for the report from the SLSC. Challenging the same, the petitioner preferred an Appeal to the first respondent on 01.07.2016 and along with the Appeal, the petitioner enclosed SLSC's report of the petitioner's cousin brother N.Chinnasamy and genealogical family tree. The first respondent without conducting any enquiry and without giving an opportunity of hearing to the petitioner, passed an order in the Appeal on 01.06.2017, stating that the petitioner and his relatives belong to Kurumbar community and rejected the Appeal. Hence, the petitioner preferred yet another Writ Petition in W.P.No.28437 of 2017, in which, this Court, on 07.11.2017, advised the petitioner to file a Second Appeal before the SLSC and withdraw W.P.No.28437 of 2017. Accordingly, the petitioner preferred Second Appeal before the SLSC on 20.06.2018 and on 29.06.2018, the Committee re-directed the Second Appeal to the first respondent for proper action. Since the above Second Appeal is still pending, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned counsel appearing for the petitioner submitted that the Appeal is pending quite a longtime. Therefore, in the light of the community certificate of petitioner's relatives viz., N.Chinnasamy, M.Ravi, and G.Rajappan, direction may be given to the first respondent to pass appropriate orders after affording an opportunity of personal hearing to the petitioner.

5. Heard Mr.V.Elangovan, learned counsel for petitioner and Mr.J.Pothiraj, learned Special Government Pleader for respondents.

6. In this Writ Petition, the petitioner seeks for a direction upon the respondents to issue a community certificate to his children without delay. In the light of the verification report passed by the SLSC, this Court without going into the merits of the matter is inclined to give the following directions:

(a) The petitioner is directed to produce the genealogical family tree particulars before the first respondent and on

receipt of the same, the first respondent is directed to give an opportunity of personal hearing to the petitioner and then pass appropriate orders on merits and in accordance with law.

(b) The first respondent is directed to pass appropriate orders on or before 30.04.2019.

7. With the above directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mrr

To

1.The Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate SR.No.24247

+2cc to Government Pleader SR.No.24678,28059

W.P.No.6401 of 2019
Time Limit Specified

CP (CO)
GMY (26/03/2019)

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