

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORAM:

THE HONOURABLE MRS. JUSTICE V.PARTHIBAN

W.P.No.11220 of 2019
& WMP No.11598 of 2019

K.Kokila

.. Petitioner

Vs

1. The District Collector,
Thiruvarur District at
Thiruvarur.

2.The Revenue Divisional Officer,
Mannargudi, Thiruvarur District

3.The Thasildar,
Needamangalam,
Mannargudi, Thiruvarur District

4.The Director of School Education,
College Road, Chennai-600 006

5.The Member Secretary,
Medical Recruitment Board,
359, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai -600 018

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the fourth respondent to forthwith make necessary entries in the educational certificates of the petitioner from that of ST-Kattunayakan to that of SC -Kuravan on the basis of the Community Certificate issued in R.Dis/3096/2015/A8 dated 18.12.2015 in Certificate No.8449051 thereto and select and appoint the petitioner.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.J.Pothiraj, for R1 to 3 & 5
Mr.K.Karthikeyan, GA for R4

ORDER

This petition has been filed seeking for issuance of a Writ of Mandamus to direct the fourth respondent to forthwith make

necessary entries in the educational certificates of the petitioner from that of ST-Kattunayakan to that of SC -Kuravan on the basis of the Community Certificate issued in R.Dis/3096/2015/A8 dated 18.12.2015 in Certificate No.8449051 thereto and select and appoint the petitioner.

2. The case of the petitioner is that the petitioner belongs to Hindu Adi Dravidar-Kuravan Community, which is classified as a 'schedule caste community'. However, at the time when she was admitted in school, it was mistakenly mentioned as Hindu Adi Dravidar community which community actually belongs to schedule tribe category. According to the petitioner, except herself all other children, who were born to the petitioner's parents have been granted certificates as they are belonging to the schedule caste community and not that of schedule tribe. Because of the mistake crept in at the time of her admission in school, the same mistake has been reflected in her educational certificates. According to the petitioner, number of representations have been sent to the authorities concerned to change the status as Schedule Caste instead of Schedule Tribe. But, there was no action forthcoming from the fourth respondent. In fact, the petitioner was issued with a Community Certificate, certifying that she belongs to Hindu Kuravan (SC) Community, which is recognized as Schedule Caste. As per Schedule Castes and Schedule Tribes Orders (Amendment) Act, the said certificate was issued by the competent authority, the third respondent herein on 18.12.2015. Since the petitioner's community status has been wrongly described in the school records, her career prospects would be affected and therefore, she has been approaching the authorities concerned for change of her community status. Since there was no action forthcoming, the petitioner is before this Court seeking for issuance of a writ of mandamus.

3. Heard, Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mr.J.Pothiraj, learned Special Government Pleader appearing for the respondents 1 to 3 & 5 and Mr.K.Karthikeyan, learned Government Advocate appearing for the 4th respondent.

4. In the counter affidavit, it is mentioned that on the basis of the petitioner's representation dated 23.04.2015, an enquiry was conducted to verify the veracity of the claim of the petitioner and it was found that the petitioner did belong to Schedule Caste - Kuravan Community. The averments as contained in para no.6 of the counter affidavit are extracted herein below:

'6. In Para No.6, the petitioner stated that on the basis of the mistake which had crept in the educational records, on the basis of petitioner's

representation dated 23.04.2015, the report in regard to verification that of the veracity of the claim was directed to be conducted pursuant to which the Village Administrative Officer in and by letter dated 19.07.2015, had conducted a spot inspection verified from villagers and had recommended for the petitioner's community status to be considered as SC-Kuravan, not only on the basis of enquiry, but also with reference to the certificates of the other siblings of the petitioner viz., that of two sisters named Akilandeswari and Rajeswari.

5. In fact, it was further averred in para no.4 of the counter affidavit that the certificate issued to the petitioner certifying her that she belongs to Hindu-Kuravan Community by certificate dated 18.12.2015, was also found to be genuine.

6. Therefore, the learned Special Government Pleader appearing for the respondents 1 to 3 & 5 would fairly submit that the petitioner is belonging to Hindu - Kuravan community and therefore, her claim is supported with the documents and the same is also genuine and bonafide.

7. Mr.L.Chandrakumar, learned counsel for the petitioner would submit that in view of the admission by the respondents about the bona fide claim of the petitioner and in view of the certificate, dated 18.12.2015, issued to the petitioner by the third respondent certifying her that she belonging to Hindu - Kuravan community, there is no legal impediment to the fourth respondent to instruct the officials concerned, working in the educational institutions, where the petitioner studied, to declare the status of the petitioner that she belonging to Hindu - Kuravan community instead of Hindu Adi-Dravidar Community which is actually classified as Schedule Tribe Community. Therefore, the prayer sought for by the petitioner can be granted since admitted position is that the petitioner belonging to Hindu - Kuravan community, which status supported by the certificate issued by the third respondent/competent authority on 18.12.2015 and the certificate is also found to be genuine and as rightly contended by the learned counsel for the petitioner that there is no legal impediment to this Court to issue a direction as prayed for. Because of the mistake which was crept in at the time of admission of the petitioner in school records, unfortunately, the same mistake has been repeated and the same is now required to be changed, in terms of the claim of the petitioner.

8. In view of the above, the writ petition is allowed and the fourth respondent is directed to instruct the officials concerned to make necessary changes in the school records pertaining to the petitioner in regard to her community status from Schedule Tribe Community to that of Hindu- Kuravan

(Schedule Caste) community. Such exercise shall be carried out by the authorities concerned within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (J)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Thiruvarur District at
Thiruvarur.
- 2.The Revenue Divisional Officer,
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- 3.The Thasildar,
Needamangalam,
Mannargudi, Thiruvarur District
- 4.The Director of School Education,
College Road, Chennai-600 006
- 5.The Member Secretary,
Medical Recruitment Board,
359, Anna Salai, Chokkalingam Nagar,
Teynampet, Chennai -600 018

+2cc to Mr.L.Chandra Kumar, Advocate, S.R.No. 64125, 64015

+1cc to the Government Pleader, S.R.No. 64242

W.P.No.11220 of 2019

GN(21/08/2019)

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