

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.14691 of 2019

C.Lakshmanan
S/o.Chinna Madhappan

...Petitioner

Vs

The Sub-Collector,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondent to pass orders on the application of the petitioner dated 29.04.2019 for issuance of Community Certificate to the petitioner's children viz., 1) L.Sharmila and 2)L.A.Kabilan that they belong to Kurichchan (ST) Community based upon the Community Certificate already issued to the petitioner's blood relatives M.Sivakumar and K.Rangadurai which was verified by State Level Committee in proceedings No.11148/CVIII/2013 dated 13.02.2015 in respect of K.Rangadurai.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.E.Balamurugan
Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH, J]

Petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus directing respondent to pass orders on the petitioner's application dated 29.04.2019 for issuance of Community Certificates to the petitioner's children viz., 1) L.Sharmila and 2) L.A.Kabilan that they belong to Kurichchan (ST) Community based upon the Community Certificate already issued to the petitioner's blood relatives M.Sivakumar

and K.Rangadurai, which was verified by State Level Committee in proceedings No.11148/CVIII/2013 dated 13.02.2015 in respect of K.Rangadurai.

2. Heard learned counsel for petitioner and learned Special Government Pleader for respondent.

3. According to the petitioner, he belongs to Kurichchan (ST) Community, but he did not obtain Community Certificate to such effect. In the petitioner's school records, his community was entered as Kurichchan (ST) Community. Since the school authorities insisting the petitioner to produce the Community Certificate of petitioner's children, petitioner submitted an application to the respondent on 29.04.2019 requesting to issue Community Certificate to his children that they belong to Kurichchan (ST) Community. Along with the application, petitioner has also enclosed the following documents :

- (1)Elementary School Record
- (2)Petitioner's children's school records
- (3)Community Certificate of petitioner's cousin brothers M.Sivakumar and K.Rangadurai
- (4)State Level Scrutiny Committee's genuineness report of petitioner's cousin brother K.Rangadurai dated 13.12.2015
- (5)Report of Anthropologist in respect of M.Sivakumar, petitioner's cousin brother.
- (6)Relationship Certificate issued by Tahsildar, Pennagaram, to petitioner and his cousin brothers M.Sivakumar and K.Rangadurai.

After verifying all the documents, respondent directed the petitioner to resubmit the following documents:

- (1)Petitioner's educational certificate
- (2)Aadhaar Card or other identification card
- (3)Genioloical relationship certificate
- (4)Petitioner's children's educational certificate
- (5)Documents in support of petitioner's community
- (6)Photograph of the applicant.

Petitioner has also submitted all the documents on 18.05.2019. However, no enquiry was conducted. The grievance expressed by the petitioner is that his daughter L.Sharmila completed Plus Two and appeared for NEET examination and hence, she is in emergent need of Community Certificate to submit applications to the professional courses under ST category. Petitioner further submits that once his close relatives are holding such a Certificate, there is no impediment for the respondent to issue Community Certificate to his children. Having no other alternate remedy, petitioner has filed the present Writ Petition.

4. Heard learned Special Government Pleader for respondent on the above submissions.

5. Though very many contentions have been raised, the main prayer of the petitioner is to direct the respondent to issue Community Certificate to his children within a specified time. Considering the submissions made, without going into the merits of the case, this Court directs the respondent to conduct enquiry and pass appropriate orders on merits and in accordance with law with regard to issuance of Community Certificates to the petitioner's children viz., 1) L.Sharmila and 2) L.A.Kabilan, at the earliest, preferably, within a period of four weeks from the date of receipt of this order.

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

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

gm

To

The Sub-Collector,
Dharmapuri,
Dharmapuri District.

+lcc to Mr.S.Doraisamy, Advocate SR.No.44932

Writ Petition No.14691 of 2019

MR (CO)
GMY (07/06/2019)

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