



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 02.07.2019

Orders Pronounced on : 17.07.2019

Coram:

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

W.P.No.15602 of 2019

S.Mathaiyan

.. Petitioner

Vs.

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

2. State Level Caste Scrutiny Committee,
Rep. by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first respondent to issue Community Certificate to the children of the petitioner, viz., (1) Minor M.Sudharshan, (2) Minor M.Manisha, and (3) Minor M.Sasithra that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the petitioner.

For petitioner : Mr.S.Doraisamy

For respondents : Mr.V.Shanmuga Sundar, Spl.G.P.

ORDER

R.SUBBIAH, J

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent to issue Community Certificate to the children of the petitioner, viz., (1) Minor M.Sudharshan, (2) Minor M.Manisha, and (3) Minor M.Sasithra that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the petitioner.

2. It is the case of the petitioner that he belongs to Kurumans Community, which is classified as Scheduled Tribe



Community. In all his School Records, his community is entered as "Kurumans". The petitioner had obtained Community Certificate from the first respondent on 14.08.1997 stating that the petitioner belongs to Kurumans Community. The petitioner's wife, namely K.Sagunthala also belongs to Kurumans Community and in her School Records, her community is entered as Kurumans. The petitioner is working as P.G. Assistant in Government Higher Secondary School, Nallampalli. In his Service Register also, the petitioner's community is entered as Kurumans.

3. It is further stated by the petitioner that he preferred an application to the first respondent on 12.08.2011 for issuance of the Community Certificate for his children, namely (i) Minor M.Sudharshan, (ii) Minor M.Manisha and (iii) Minor M.Sasithra. Along with the said application, the petitioner had enclosed the following documents:

- (i) The petitioner's Community Certificate issued by the first respondent, dated 14.08.1997.
- (ii) The petitioner's wife's School Records.
- (iii) The petitioner's Service Register in which his community is entered as Kurumans (ST).
- (iv) The petitioner's children's School extract.
- (v) Details of Kurumans culture.
- (vi) Certificate issued by local Panchayat President.
- (vii) Copy of the petitioner's Family Card.

4. The petitioner's said application was received by the first respondent on 16.08.2011, however, no order was passed. Hence, he sent reminders on 30.12.2014 and 19.05.2015 to the first respondent requesting to issue the Community Certificate to his children. Since no order was passed by the first respondent, the petitioner filed a Writ Petition in W.P.No.22591 of 2015, in which this Court passed orders on 27.07.2015 directing the first respondent to consider and pass orders on the application of the petitioner, within a period of four weeks. Even then, since no order was passed, the petitioner moved Contempt Petition before this Court in Cont.P.No.2513 of 2015. When the said Contempt Petition is pending, the first respondent passed orders on 20.11.2015 stating that the petitioner does not belong to Kurumans Community and referred his Community Certificate to the State Level Scrutiny Committee. Only after receipt of the report from the Committee, the Certificate will be issued to the petitioner's children. As against the said order dated 20.11.2015, the petitioner filed W.P.No.16501 of 2016, in which, this Court, by order dated 13.06.2017, directed the State Level Scrutiny Committee to complete the verification process on or before 31.10.2017.

5. Though the petitioner's Community Certificate had been sent to the State Level Scrutiny Committee for verification, till date no orders are passed by the Committee. In the



meantime, the petitioner's son M.Sudharshan had completed 12th Standard and also wrote NEET Examination and he is in need of the Community Certificate for pursuing his education. The petitioner's daughters M.Manisha and M.Sasithra are also studying 10th Standard and 8th Standard respectively. The School authorities are insisting the petitioner to produce the Community Certificate of his daughters. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

6. The respondents have filed counter affidavit stating that the genuineness of the Community Certificate of the petitioner (father) is pending with the State Level Scrutiny Committee and only on receipt of the report from the said Committee, appropriate orders will be passed with regard to the issuance of Community Certificate to the children of the petitioner. In fact, the Government of Tamil Nadu had issued instructions to the authorities issuing the S.T. Community Certificate that strict and independent thorough enquiries should be undertaken before issuing a Scheduled Tribe Community Certificate, even though the petitioner's family is having a S.T. Community Certificate which was confirmed by the State Level Scrutiny Committee, Chennai, of its genuineness, vide Government Letter No.19574/CV1/2013, Adi Dravidar and Tribal Welfare Department, dated 13.12.2013 issued by the Secretary to Government. Further, while examining the School Admission Registers and Birth Registers, Community Certificate issue Registers of the Taluk Offices and documents pertaining to the sale of lands, the Community Certificate issuing authorities have very often found and noticed that the petitioner's close (or) blood relatives have recorded their Community status other than Kurumans (ST) and they have also obtained Community Certificates during earlier years that they belong to BC (or) MBC with reference to their faith in their own birth Community status abiding their consciousness. But in recent years, the persons belonging to BC/MBC Community have obtained the S.T. Community Certificates by producing false evidence and documents and affirming that they are following the customs and lifestyle of S.T. people in all aspects. Hence, the respondents prayed for dismissing the Writ Petition.

7. Taking into consideration the above facts, this Court heard the submissions made on either side and carefully perused the materials available on record.

8. From the stand of the respondents in the counter affidavit, we understand that the respondents will take decision with regard to the issuance of the Community Certificate to the children of the petitioner only after receiving the order from the State Level Scrutiny Committee with regard to the genuineness of the Community Certificate of the petitioner. But in our considered view, since the children of the petitioner are in very urgent need of the Community Certificate for pursuing



their education, they cannot be made to wait perpetually for a longer period for issuance of Community Certificate so as to pursue their education.

9. Therefore, irrespective of the factum of pendency of the enquiry before the State Level Scrutiny Committee with regard to the genuineness of the Community Certificate of the petitioner, this Court directs the first respondent-RDO to conduct enquiry independently on the application of the petitioner submitted for issuance of Community Certificate to his children and pass appropriate orders on merits and in accordance with law, with regard to the issuance of Community Certificate to the petitioner's children named above, preferably within a period of six weeks from the date of receipt of a copy of this order.

10. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
2. State Level Caste Scrutiny Committee,
Rep. by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.

+1cc to Government Pleader sr.61311

W.P.No.15602 of 2019

rr(co)
nr 03/09/2019