

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

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

W.P.No.16474 of 2019

K.Dhoddiyan .. 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., (i) D.Hariyarasi and (ii) Tamilarasan that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the petitioner, pending final order to be passed by the State Level Caste Scrutiny Committee.

For petitioner : Mr.S.Doraisamy

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

ORDER

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

The petitioner has come forward with the present Writ Petition praying for issuance of a Writ of Mandamus to direct the first respondent-Revenue Divisional Officer (RDO) to issue Community Certificate to the children of the petitioner, viz., (i) D.Hariyarasi and (ii) Tamilarasan that they belong to "Kurumans (ST) Community" based upon the Community Certificate possessed by the petitioner, pending final orders to be passed by the State Level Caste Scrutiny Committee.

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, the petitioner's Community is entered as "Kurumans". The petitioner obtained Community Certificate from the first respondent on 21.04.1997, stating that he belongs to 'Kurumans' Community. The petitioner is working as Driver in the Tamil Nadu State Transport Corporation. In his Service Register, his Community is entered as "Kurumans (ST)". It is further stated by the petitioner that he preferred an application to the first respondent on 08.07.2011 for issuance of the Community Certificate to his children, (i) D.Hariyarasi and (ii) Tamilarasan. Since no order was passed, the petitioner earlier filed a Writ Petition in W.P.No.5639 of 2013. This Court, by order dated 04.04.2013 passed in the said Writ Petition, directed the respondent to consider and pass orders on the application of the petitioner, dated 08.07.2011, within a period of four weeks from the date of receipt of a copy of the order. Thereafter, the first respondent passed an order on 26.08.2013 rejecting his application, stating that the petitioner does not belong to "Kurumans" Community and referred the Community Certificate of the petitioner to the State Level Scrutiny Committee. The second respondent issued notice to the petitioner, by letter dated 06.03.2015 to appear for the enquiry to be held on 13.03.2015. Accordingly, the petitioner appeared for the enquiry and submitted all the relevant documents in support of his claim.

3. It is further stated by the petitioner that thereafter, the second respondent referred the matter to the Vigilance Cell, Dharmapuri as well as to the Anthropologist. The Vigilance Cell conducted a local enquiry and found that the petitioner's claim is genuine. Apart from the local enquiry, the Vigilance Cell had also obtained a report from the Anthropologist, who had given a report that the petitioner belongs to Kurumans (ST) Community. It is further stated that one of his close relatives, viz., namely D.Sivakumar's Community Certificate was verified by the second respondent-Committee and it was found to be genuine and the petitioner also produced the Genealogical Family Tree issued by the Tahsildar, Dharmapuri to the respondents.

4. Though the petitioner made several attempts by approaching the respondents, he was informed by the first respondent-RDO that his Community Certificate was sent to the State Level Scrutiny Committee for verification. Only after receipt of the report from the Committee, and based on the orders to be passed by the second respondent-Committee, the Community Certificate would be issued by the first respondent-RDO to the petitioner's children.

5. It is the stand of the petitioner in his affidavit that his son- D.Tamilarasan had completed XII Standard and also wrote NEET examination and he is in need of the Community Certificate for pursuing his higher education.

6. It is the averment of the petitioner in his affidavit that once the father is having a valid Community Certificate, the other family members are entitled to obtain the Community Certificate without any further enquiry.

7. Hence, for the above reasons, the petitioner has filed the above Writ Petition.

8. The learned counsel for the petitioner submitted that the petitioner's Community Certificate is under verification by the State Level Scrutiny Committee and when once the verification is completed, appropriate orders will be passed by the second respondent-Committee, and resultantly, the first respondent-RDO will pass necessary orders on the said application of the petitioner by issuing Community Certificates to the children named above, of the petitioner. The learned counsel for the petitioner further submitted that if particular time frame is granted by this Court to the second respondent-Committee, the first respondent-RDO will pass appropriate orders as stated above either way, by issuing the Community Certificate or rejecting the same.

9. This Court also heard the submissions made by the learned Special Government Pleader appearing for the respondents, who also prayed that time limit may be given for the second respondent-Committee to complete the enquiry and pass orders on the same.

10. Accordingly, the second respondent-State Level Scrutiny Committee is directed to complete the enquiry with regard to the genuineness of the petitioner's Community Certificate and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. Thereafter, the first respondent-RDO shall consider the request made by the petitioner for issuance of Community Certificate to his children, named above, expeditiously, based on the orders to be passed either way by the second respondent-Committee, as directed herein above.

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

Sd/-
Assistant Registrar(CS-IV)

//True copy//

Sub Assistant Registrar

CS

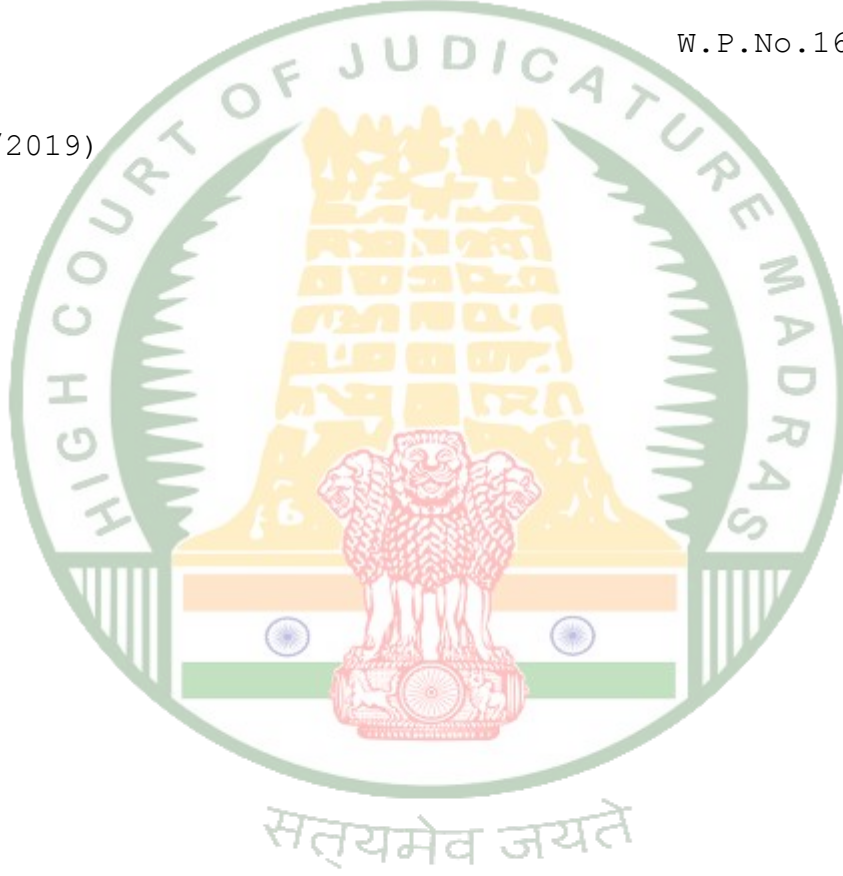
To

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 Mr.S.Doraisamy, Advocate SR.No.52639 (08/07/2019)

W.P.No.16474 of 2019

MG (CO)
GMY (28/06/2019)



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