

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2019

Coram:

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

W.P.No.17931 of 2019
and
W.M.P.No.17338 of 2019

1. M.Parthasarathi
2. P.Gurunathan, Minor,
Rep. by father and natural guardian
M.Parthasarathi .. Petitioners

Vs.

1. The State Level Scrutiny Committee,
Rep. by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Secretariat, Chennai-600 009.
2. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
3. The Tamil Nadu Agricultural University,
Rep. by its Dean,
Lawley Road,
Coimbatore 641 003.
4. The Directorate of Technical Education,
Rep. by its Registrar,
Tamil Nadu Engineering Admissions 2019,
53, Sardar Patel Road,
Guindy, Chennai-600 025.
5. The Anna University,
Rep. by its Registrar,
Sardar Patel Road,
Chennai-600 025.

.. Respondents

Writ Petition filed under Article 226 of the
Constitution of India, praying for issuance of a Writ of

Mandamus to direct the respondents 1 and 2 to declare that the petitioners belong to the Scheduled Tribe/Kattunaicken Community in the light of the positive declarations on two occasions by this Court in W.P.No.6119 of 1997 and W.P.No.1906 of 2018 in respect of the first petitioner's elder blood brother and consequently direct the second respondent to issue Community Certificate in favour of the second petitioner.

For petitioner : Mr.Yogesh Kannadasan

For respondents : Mr.V.Shanmuga Sundar,
Spl.G.P. for RR-1, 2 and 4

ORDER

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

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to declare that the petitioners belong to the Scheduled Tribe/Kattu Naicken Community, in the light of the positive declarations on two occasions by this Court in W.P.No.6119 of 1997 and W.P.No.1906 of 2018 in respect of the first petitioner's elder blood brother and consequently direct the second respondent to issue Community Certificate in favour of the second petitioner.

2. It is the case of the petitioner that he belongs to Kattu Naicken Community, which is one of the Communities listed as Scheduled Tribe under the Constitution (Scheduled Tribe) Order, 1950. The first petitioner has obtained Community Certificate, dated 07.12.1984 issued by the Revenue Divisional Officer (RDO), Cheranmahadevi, which is his native Revenue Division. The said Certificate was issued after necessary verification and perusal of records. The first petitioner was appointed as ED Branch Post Master during 1999 in the Office of the Postal Department under the quota reserved for Scheduled Tribes and presently working as Post-Man in the newly designated Department of Posts. Further, the second petitioner who is the son of the first petitioner, has completed XII Standard during March 2019. For the purpose of pursuing the son's higher studies, the first petitioner has submitted an application dated 29.04.2019 to the second respondent for issuance of Community Certificate in favour of the second petitioner by enclosing necessary documents.

3. It is further stated by the petitioners that the second petitioner had submitted application to the third respondent-University seeking admission to B.Sc.

(Agriculture) course, through online, bearing Registration No.115611224 under the quota reserved for Scheduled Tribes. The ranking list was to be published on 27.06.2019 and within three days, the Certificate verification was scheduled to take place. Similarly, the second petitioner has also submitted application to the fourth respondent, through online and the fourth respondent had called upon the second petitioner for verification of records on 08.06.2019. When the second petitioner appeared, he was informed that if the Community Certificate is not produced by him within four days, his name will not be considered under Scheduled Tribe quota and accordingly, the petitioner (s) was directed to delete the claim as Scheduled Tribe candidate. As per the ranking list, the second petitioner is likely to get his Engineering seat only in private College and he will not be given admission under Government quota in the Colleges coming under the control of the fifth respondent-Anna University. Hence, the petitioner has preferred the present Writ Petition for the relief stated supra.

4. When the Writ Petition is taken up for consideration, the learned counsel for the petitioner submitted that the first petitioner's elder brother Mr.M.Santharam, who was working in LIC of India, Madurai Division, filed a Writ Petition in W.P.No.6119 of 1997 before this Court, in which, he has challenged the adverse order passed by the first respondent therein (District Collector, Tirunelveli), cancelling his Community Certificate. In the said Writ Petition, this Court, by order dated 25.08.2000, while quashing the impugned order therein, had allowed the Writ Petition to the extent stated therein by issuing direction to the third respondent therein (LIC) to reinstate the said Santharam with all service benefits alone, and thus, it is evident that the said Santharam belongs to Kattu Naicken Community. Again, when the respondent(s) proposed to conduct enquiry, the petitioner's brother Santharam again approached this Court in W.P.No.1906 of 2018 praying for issuance of a Writ of Mandamus to forbear the respondents from conducting enquiry regarding the Community Certificate of the said Santharam and from reopening the enquiry/re-verification, in the light of the positive finding rendered by this Court to the effect that he belongs to Scheduled Tribe Community, in the earlier Writ Petition in W.P.No.6119 of 1997, filed by the said Santharam, which was disposed of on 25.08.2000. A Division Bench of this Court allowed the said W.P.No.1906 of 2018 by order dated 26.10.2018, thereby forbearing the respondents therein from conducting any enquiry regarding the Community Certificate of the petitioner-Santharam therein, by reopening the same, as there was a positive

direction of this Court in his favour in the earlier W.P.No.6119 of 1997.

5. It is the main submission of the learned counsel for the petitioner that since this Court had already declared in W.P.No.6119 of 1997 that the petitioner's brother belongs to Scheduled Tribe community, that too by way of the said Judicial Order, dated 25.08.2000. Therefore, it is contended by the learned counsel for the petitioner that since the petitioner's brother's Community Certificate was confirmed by the Judicial pronouncement of this Court, the petitioner/his son is/are also entitled for issuance of the Scheduled Tribe Community Certificate. Hence, the learned counsel for the petitioner prayed for suitable direction in the present Writ Petition.

6. The learned Special Government Pleader appearing for the respondents 1, 2 and 4, on instructions and by producing a copy of the letter, dated 27.06.2019, of the Sub-Collector, Cheranmahadevi, addressed to him, stated that if and when the petitioner appears for enquiry and produce the original documents and if eligible, steps will be taken to issue Kattu Naicken Community Certificate to the son of the first petitioner, i.e. to the second petitioner/son. The learned Special Government Pleader further submitted that the entire exercise will be completed within a period of two weeks from the date of receipt of a copy of this order and hence, the learned Special Government Pleader prayed that there is no need to give any positive direction in this Writ Petition.

7. In view of the above submissions on either side, this Court is constrained to give the following direction:

The second respondent-RDO is directed to conduct enquiry in the light of the orders passed by this Court in the said Writ Petitions in W.P.Nos.6119 of 1997 and W.P.No.1906 of 2018 and pass appropriate orders with regard to the issuance of Community Certificate for the second petitioner-son, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

8. With the above observations and direction, the Writ Petition is disposed of. No costs. Consequently W.M.P. is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Secretariat, Chennai-600 009.

2. The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.

3. The Tamil Nadu Agricultural University,
Rep. by its Dean,
Lawley Road,
Coimbatore 641 003.

4. The Directorate of Technical Education,
Rep. by its Registrar,
Tamil Nadu Engineering Admissions 2019,
53, Sardar Patel Road,
Guindy, Chennai-600 025.

5.The Registrar,
Anna University,
Sardar Patel Road,
Chennai-600 025.

6.The Sub Collector, Cheranmahadevi

+1cc to Mr.Yogesh Kannadasan , Advocate SR.No. 53943

7.+1 cc to Government Pleader Sr.No. 54506

W.P.No.17931 of 2019

rsv (CO)
A.SK(02/07/2019)

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