

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

W.P. No. 22460 of 2019

Manickam

...Petitioner

-vs-

1. The Director,
Directorate of School Education,
College Road, DPI Campus,
Chennai - 600 008.
2. The District Education Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The Head Master,
V.D.S. Jain Higher Secondary School,
Gandhi Nagar,
Thiruvannamalai District.

...Respondents

Petition filed under Article 226 of the Constitution of India directing the respondents to change the petitioner daughter's community as B.C (Backward Community) from S.C. (Scheduled Caste) in her transfer certificate in accordance with the community certificate issued by the competent authority pursuant to the petitioner representation dated 21.03.2019.

For Petitioner : Mr.M.Subash

For Respondents : Mr.A.Raja Perumal,
AGP for R1, R2

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, claims that his daughter belongs to Agamudayar community, which is a Backward Class Community as against the one recorded by the School authorities as Scheduled Caste Community. Now, the writ petition has been filed seeking a

direction to the respondents to change the community certificate in the school records.

2.The petitioner has made reliance upon the community certificate issued by the Zonal Deputy Tahsildar, Thiruvannamalai Circle, Thiruvannamalai District. Pursuant to the aforesaid document, the District Collector, Thiruvannamalai by the proceedings dated 09.07.2019 in O.M.1.3/12147/2019 has forwarded the representation made on 24.04.2019 to the District Educational Officer, Thiruvannamalai for taking appropriate action. As no action is forthcoming, the present writ petition has been filed.

3.The learned counsel appearing for the petitioner submitted that inasmuch as the community certificate of the petitioner's daughter is not in dispute, the respondents, especially the second and third respondents are to be directed to do the needful.

4.The learned Additional Government Pleader appearing for respondents 1 and 2 would submit that the school certificate would indicate that the petitioner's daughter was born as a Scheduled Caste community member.

5.We are dealing with a case where the petitioner seeks to change the community of his daughter pursuant to the community certificate issued by the Revenue Officials stating that she actually belongs to the Backward Community. This was in a way accepted by the District Collector, Tiruvannamalai and that is the reason why, he forwarded the representation of the petitioner to the second respondent to take appropriate action. It is not as if the petitioner's daughter seeks to take advantage of the school certificate by seeking reservation. On the contrary, by making such a correction as sought for by the petitioner, his daughter would be in a dis-advantageous position while seeking employment by way of reservation. The community certificate issued by the Tahsildar concerned stands as of today.

6.In such view of the matter, we direct the second and third respondents to correct the entry in the school certificates of the petitioner's daughter from Scheduled Caste to that of Agamudayar (BC). Needful will have to be done within a period of six weeks from the date of receipt of a copy of this order. The petitioner's daughter shall also produce the necessary documents before the second and third respondents including the original documents and the community certificate issued by the Tahsildar concerned dated 23.08.2018.

7.With the above direction, the Writ Petition stands disposed of. No costs.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

mmi/ssm
To

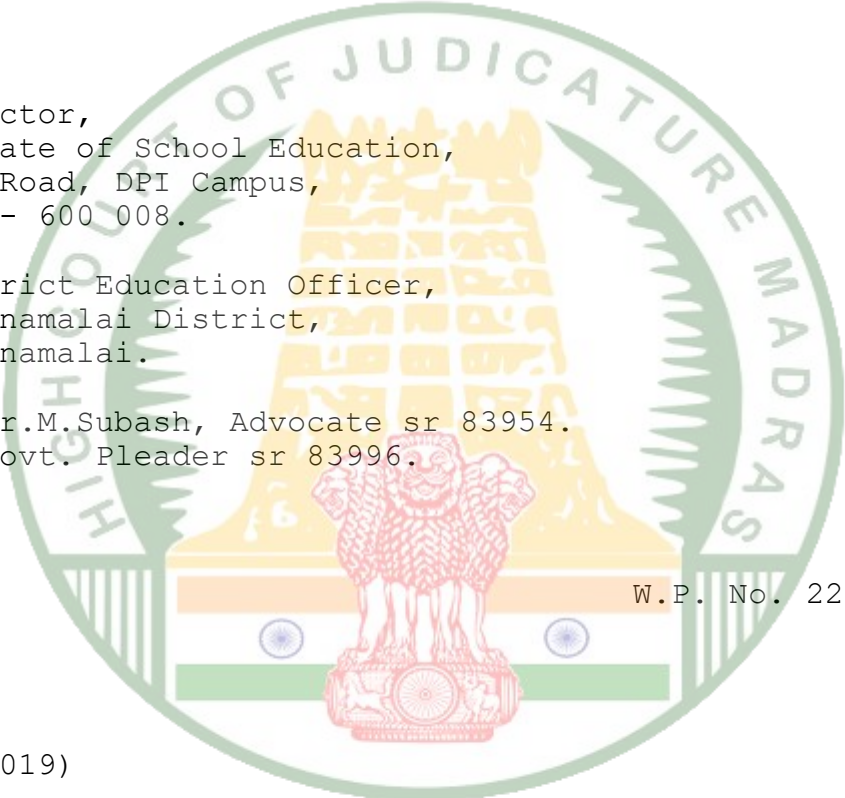
1.The Director,
Directorate of School Education,
College Road, DPI Campus,
Chennai - 600 008.

2.The District Education Officer,
Thiruvannamalai District,
Thiruvannamalai.

+1 CC to Mr.M.Subash, Advocate sr 83954.
+1 Cc to Govt. Pleader sr 83996.

W.P. No. 22460 of 2019

VGI (CO)
SP(08/11/2019)



सत्यमेव जयते

WEB COPY