

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

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

Writ Petition No.22137 of 2019
and
W.M.P.No.21411 of 2019

Minor M.Harthi
represented by her father and
natural guardian,
L.Moorthi ...Petitioner

Vs

- 1.The Tamil Nadu State Level Scrutiny
Committee,
Adi Dravidar and Tribal Welfare Department
(CV-5),
Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.
represented by its Chairman
- 2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.
- 3.Indian Institute of Food Processing Technology,
Thanjavur - 613 005.
represented by its Director ... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing first respondent to dispose of the Revision Petition dated 23.07.2019 and till such time permit the petitioner to continue the B.Tech (Food Technology) course.

For Petitioner : Mr.S.Doraisamy

For Respondent : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

[Order was made by R.SUBBIAH, J]

Petitioner has filed the above Writ Petition seeking issuance of a Writ of Mandamus directing first respondent to dispose of the Revision Petition dated 23.07.2019 and till such time, permit the petitioner to continue the B.Tech (Food Technology) course.

2. It is the case of petitioner that petitioner and her family members belong to Kurichchan (ST) Community. Petitioner's father preferred an application to the Revenue Divisional Officer, Dharmapuri, on 02.02.2015 seeking issuance of Community Certificate to the petitioner and her sister. Since no order was passed, petitioner filed W.P.No.26412 of 2016 and this Court, under orders dated 28.07.2016, directed the Revenue Divisional Officer, Dharmapuri, to dispose of the petitioner's application within a period of two months. Pursuant thereto, the Revenue Divisional Officer, Dharmapuri, after conducting enquiry, passed an order dated 10.04.2017 rejecting the petitioner's application. Against such order, petitioner preferred W.P.No.14765 of 2017 and this Court, under orders dated 24.07.2017, directed the petitioner to file an appeal before the appropriate forum. In keeping with such direction, petitioner preferred an appeal before the Collector, Dharmapuri.

3. Having successfully completed her Plus Two, petitioner preferred an application to third respondent seeking admission to the B.Tech (Food Technology) Course. A provisional seat allotment was published on 18.07.2019 and petitioner was directed to report before third respondent between 18.07.2019 and 20.07.2019 with all original documents including the Community Certificate. It was also mentioned that if the petitioner fails to produce the Community Certificate, the seat allotment will be cancelled. Hence, petitioner preferred W.P.No.21515 of 2019 seeking a direction to third respondent to admit the petitioner in the B.Tech (Food Technology) course. This Court passed an interim order on 19.07.2019 directing third respondent to admit the petitioner provisionally in the said course without insisting upon production of Community Certificate. Pursuant thereto, petitioner was allotted the said course and a sum of Rs.80,550/- has also been remitted towards course fee. When W.P.No.21515 of 2019 was listed on 22.07.2019, learned Special Government Pleader produced the rejection order passed by the District Collector, Dharmapuri. However, the said order has not been communicated to the petitioner till date. Taking note of such order, this Court dismissed the Writ Petition granting liberty to petitioner to file an appeal as per G.O.Ms.No.147, Revenue RA 3(2) Dept. dated 17.03.2016 before the

competent authority. Thereafter, petitioner filed a Revision Petition before first respondent on 23.07.2019 and the same is pending. The grievance of the petitioner is that the third respondent is not permitting her to attend the classes on the ground of non-production of Community Certificate. Hence, petitioner has filed the present Writ Petition seeking the afore said relief.

4. Heard learned counsel for petitioner and learned Special Government Pleader.

5. When the matter is taken up for consideration, learned Special Government Pleader submits that since the petitioner has not produced the Community Certificate, third respondent has cancelled the provisional admission of petitioner on 24.07.2019 and has also produced a copy of the said order.

6. In the aforesaid circumstance, the prayer of the petitioner cannot be entertained. However, this Court directs the first respondent to dispose of the Revision Petition dated 23.07.2019 preferred by petitioner at the earliest and in any event, within a period of six weeks from the date of receipt of this order.

The Writ Petition is disposed of with the above direction. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

gm

To

1.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department (CV-5),
Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.

3.The Director,
Indian Institute of Food Processing Technology,
Thanjavur - 613 005.

+1cc to Mr.S.Doraisamy, Advocate SR.No.64524

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VBA (CO)
GMV (30/07/2019)



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