

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14112/2020

T.Jayasudha. .. Petitioner

Versus

1.The Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose the appeal of the petitioner dated 04.03.2020 and reminder dated 17.09.2020 and issue community certificate to the petitioner T.Jayasudha and her children viz., V.Pavithra and V.Avandhika that they belong to Kurumans (ST) community based upon the Community Certificate already issued to the petitioner's husband Mr.S.Vajjiram and Petitioner's own sister B.Malathi and own brother B.Manoj and the State Level Scrutiny Committee confirmed the genuineness of the community certificate obtained by the petitioner's father's own brother B.Tamilmani.

For Petitioner : Mr.Doraiswamy
For Respondents : Mr.E.Manoharan
Special Govt. Pleader

ORDER

- (1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2)Mr.E.Manoharan, learned Special Government Pleader accepts notice on behalf of respondents 1 and 2.
- (3)The petitioner, on an earlier occasion, file WP.No.17116 of 2019 against the Revenue Divisional Officer, Harur, Dharmapuri District and the Secretary, Selection Committee, Directorate of Medical Education, Kilpauk, Chennai-10, praying for issuance of a writ of certiorarified mandamus to quash the proceedings dated 19.10.2019 on the file of the Revenue Divisional Officer, Harur, Dharmapuri District with a consequential direction, directing the 1st respondent to issue Scheduled Tribe Kurumans Community in favour of the petitioner T.Jayasudha and her minor daughters V.Pavithra and V.Avandhika, based on the Scheduled Tribe Kurumans Community Certificate issued in favour of her husband, viz., Mr.S.Vajjiram.

(4)The writ petition came to be dismissed by granting liberty to the petitioner to file an appeal against the said impugned order by enclosing necessary documents before the Appellate Authority, viz., The Collector of Dharmapuri District. It is relevant to extract paragraphs No.11 and 12 of the said order:-

"11.Be that as it may. This Court is not conducting any roving enquiry in this writ petition. Since it has been specifically stated that the said Tamil Mani had obtained his Community Certificate by giving false information, the only remedy available to the petitioner is to file appeal before the District Collector concerned as against the impugned order and she cannot agitate her rights by way of filing this Writ Petition. Moreover, in the order dated 01.11.2018 in WP.No.27719 of 2018, while issuing direction to examine the relationship between the petitioner and the said Tamil Mani, this Court made it clear that the order had been passed without expressing any opinion on the merits of the claim made by the petitioner.

12.In such circumstances, we do not find any valid reason to quash the impugned order. However, the petitioner is at liberty to file appeal as against the impugned order, by enclosing necessary

documents before the appellate authority/District Collector. The Writ Petition is accordingly dismissed. No costs. Consequently, WMP is closed."

(5)The learned counsel for the petitioner would submit that the petitioner, has accordingly filed an appeal before the 1st respondent on 04.03.2020 and despite a lapse of nearly 6 months and odd, nothing is moving forward and since one of the daughters has completed Higher Secondary Course and another daughter is studying Higher Secondary Course, for the purpose of pursuing their academic career, the Scheduled Tribe Kurumans Community Certificates are essential and prays for appropriate directions and for disposal of the appeal with a consequential direction.

(6)The Court heard the submissions of Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the respondents.

(7)Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, either in her appeal petition submitted before the 1st respondent or in this writ petition, directs the 1st respondent to accord priority and give a disposal to the Appeal Memorandum/petition dated 04.03.2020 submitted by the

petitioner, on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

(8)The writ petition stands disposed of accordingly. No costs.

[MSNJ] [RHJ]
09.10.2020

AP
Internet:Yes

To
1.The Collector,
Dharmapuri,
Dharmapuri District.

2.The Revenue Divisional Officer,
Harur,
Dharmapuri District.

सत्यमेव जयते
WEB COPY

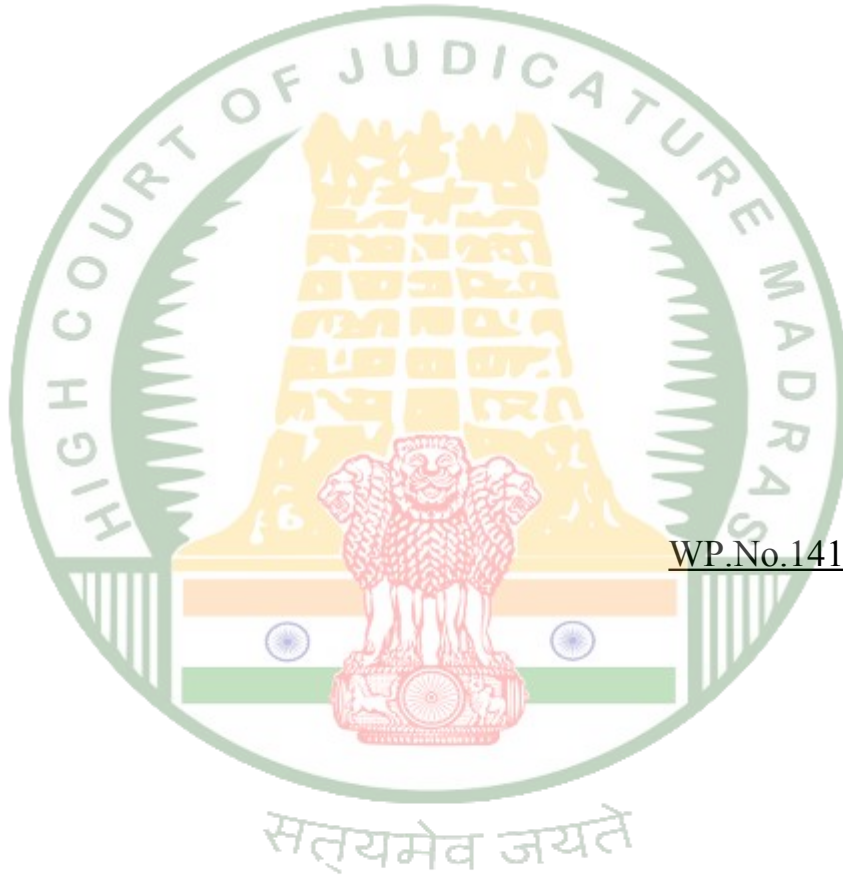
WP.No.14112/2020

M.SATHYANARAYANAN, J.,

AND

R.HEMALATHA, J.,

AP



WP.No.14112/2020

WEB COPY 09.10.2020