

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

WP.No.14206 of 2020

R.Malarkodi ... Petitioner

Versus

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District. ...Respondent

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondent to consider the application dated 26.09.2017 and reminder dated 16.09.2020 and to issue community certificate to the petitioner children viz., V.Yaazhini and V.Illaiya Visagan that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and her own brother R.Vijayakumar.

For Petitioner : Mr.V.Elangovan

For Respondents: Mr.P.Shivashanmugasundaram,
Special Govt. Pleader

सत्यमेव जयते
ORDER

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

The petitioner claims that she belongs to the Hindu Schedule Tribe "Kuruman" Community and in her school records her community is entered as "Kuruman" and that apart, she has been issued with Community Certificate by the respondents on 21.05.1996 stating that she belongs to Kuruman Scheduled Tribe Community. The petitioner would aver that she is working as B.T.Assistant in Government High School, Jelmarampaty, Pennagaram Taluk and in her Service Register, her community was entered as "Kuruman". It is also pointed out by the petitioner

that her brother namely, Thiru.R.Vijaykumar has also issued with a Community Certificate by the very same respondents by stating that he also belongs to the said community.

2. The petitioner arming with the said material has applied to the respondents for issuance of Community Certificate to her children namely, V.Yaazhini and V.Illaiya Visagan and on receipt of the application, the 2nd respondent has issued a notice dated 31.01.2019 for the purpose of holding enquiry and accordingly, she appeared before the said official on 20.02.2019 and also submitted all relevant and authenticated documents and since no response was forthcoming, as to the follow up of the enquiry, the petitioner submitted a reminder to the respondents on 16.09.2020 and however, no order has been passed either by returning application for want of certain compliance or rejecting the said application.

3. Mr.P.Elangovan, learned counsel appearing for the petitioner would submit that the son of the petitioner namely, V.Illaiya Visagan has completed the 12th Standard and also participated in the NEET Examination and for the purpose of pursuing his academic carrier, the Community Certificate is vital and important one and therefore, the respondents may exhibit some urgency and positively consider the application submitted by the petitioner for issuance of the Hindu Scheduled Tribe "Kuruman" certificate in favour of the petitioner's children.

4. Mr.P.S.Shivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents and would submit that in the light of the repeated abuse and misuse in getting Hindu Scheduled Tribe Community Certificate for the purpose of availing the educational benefits and entering service, a careful scrutiny is being carried out and would further add that appropriate orders would be passed in accordance with law as expeditiously as possible.

5. This Court has considered the rival submissions and also perused the materials placed before it.

6. This Court taking into consideration the limited scope of the prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner in this Writ Petition, directs the respondents to consider and dispose of the application dated 26.09.2017 submitted by the petitioner for issuance of Hindu Scheduled Tribe "Kuruman" Certificate in favour of her two children, on merits and in accordance with law

and pass appropriate orders as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7. The Writ Petition is disposed of, accordingly. No costs.

Sd/-
Assistant Registrar(L.A)

//True Copy//

Sub Assistant Registrar

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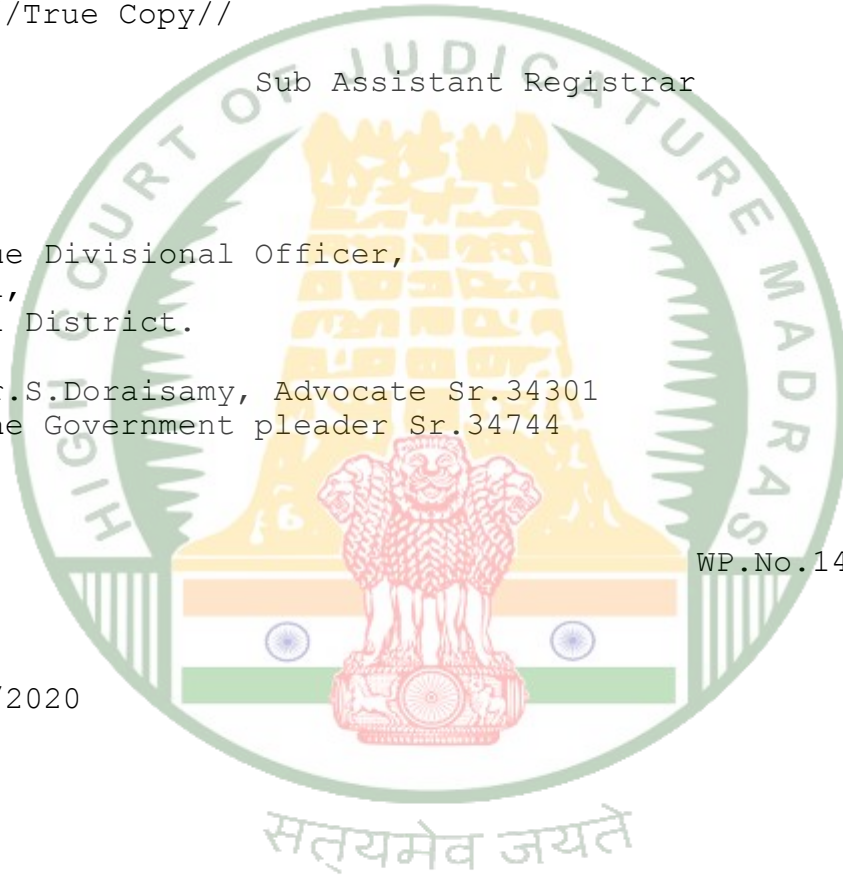
To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

+1cc to Mr.S.Doraisamy, Advocate Sr.34301
+1cc to the Government pleader Sr.34744

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