



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH  
and  
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.35002 of 2019

P.Santhi

...Petitioner

versus

1. The Additional Director of  
Medical Education / Secretary,  
Selection Committee,  
Directorate of Medical Education,  
Chennai - 600 010.
2. The Revenue Divisional Officer  
Dharmapuri.
3. The Chairman,  
State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat,  
Chennai - 600 009.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent No.1 to issue Community Certificates to the children of the petitioner viz. S.S.Shabareeshwari and S.Pragadeeshwaran to the effect that they belong to Kurumans Scheduled Tribe immediately.

For Petitioner : Mr.M.Radhakrishnan  
For Respondents: Mr.V.Shanmuga Sundar  
Special Government Pleader

O R D E R

[Order of this Court was made by R.SUBBIAH, J.]

The petitioner has come up with the present Writ Petition for a Mandamus, directing the respondent No.1 to issue Community Certificates to her children, namely, S.S.Shabareeshwari and S.Pragadeeshwaran to the effect that they belong to Kurumans Scheduled Tribe Community.



2. The case of the petitioner is that she belongs to Kurumans Community, which is notified as a Scheduled Tribe (ST) Community. She has submitted an application dated 26.10.2015 for issuance of ST Community Certificates to her husband / P.C.Sivakumar and her children, namely, S.S.Shabareeshwari and S.Pragadeeshwaran. While so, petitioner's Community Certificate dated 27.01.1997 issued by the second respondent, was sent to the third respondent / State Level Scrutiny Committee for verification.

3. During the pendency of verification by the said Committee, the petitioner has filed W.P.No.20075 of 2019 for a direction to the first respondent therein to permit her son-Pragadeeshwaran to participate in the counseling session for admission to First Year MBBS Course against the seats reserved for Scheduled Tribe Candidates, without producing his ST Community Certificate and to allot a seat in any Medical College in Tamil Nadu as per the Community rank. Pursuant to the orders passed by this Court in W.P.No.20075 of 2019 dated 23.07.2019, petitioner's son was permitted by the first respondent to participate in the said counseling and thereafter, her son was admitted to First Year MBBS Course in the SRM Medical College and Research Centre, Trichy, on 28.08.2019 subject to production of his ST Community Certificate. Now, the third respondent / State Level Scrutiny Committee, on completion of enquiry, has confirmed that the petitioner and her children belong to Kurumans Scheduled Tribe and the proceedings of the said Committee, dated 10.10.2019 was also sent to the second respondent. But till date, the second respondent has not passed any order and hence, the petitioner has come forward to file this writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

5. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner invited the attention of this Court to the order dated 10.10.2019 passed by the State Level Scrutiny Committee, whereby the Community Certificate of the petitioner was confirmed. However, the learned Special Government Pleader appearing for respondents submitted that, if the petitioner submits a fresh application, the same would be considered by the second respondent in the light of the order dated 10.10.2019 passed by the third respondent / State Level Scrutiny Committee with regard to the community status of the petitioner.



6. In view of the above submission made by the learned Special Government Pleader appearing for respondents, this Court directs the petitioner to submit a fresh application before the second respondent, within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the second respondent is directed to pass appropriate orders, with regard to the issuance of Community Certificates to the petitioner's children, namely, S.S.Shabareeshwari and S.Pragadeeshwaran that they belong to Kurumans (ST) Community, on merits and in accordance with law, within a period of four weeks thereafter.

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

s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

sri  
To

1. The Additional Director of  
Medical Education / Secretary,  
Selection Committee,  
Directorate of Medical Education,  
Chennai - 600 010.
2. The Revenue Divisional Officer  
Dharmapuri.
3. The Chairman,  
State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department,  
Secretariat,  
Chennai - 600 009.

+1 CC to Mr.Radha Krishnan, advocate sr 2638.  
+1 CC to Govt. Pleader sr 3180.

W.P.No.35002 of 2019

SP(23/01/2020)