



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM

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

Writ Petition No.35080 of 2019

D.Sivaranjini

...Petitioner

Vs

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

... Respondent

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to issue community certificate to the petitioner that she belongs to Kurumans (ST) community as per the application dated 10.11.2018 and reminder dated 02.12.2019 based upon the community certificate already issued to the petitioner's husband P.Gnanasekar.

For Petitioner : M/S.V.Elangovan

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

O R D E R

[Order was delivered by R.SUBBIAH,J]

The petitioner has filed the above Writ Petition praying for issuance of a a Writ of Mandamus directing the respondent to issue Community Certificate to the petitioner that she belongs to "Kurumans (ST) community" based upon the Community Certificate already issued to the petitioner's husband.

2. The facts leading to this case in brief are as follows:

It is the case of the petitioner that when the petitioner was studying XI standard at the Vijay Vidyalaya Matriculation Higher Secondary School, Dharmapuri on the request made by the Head Master of the School, the Deputy Tahsildar, Dharmapuri issued a community certificate to the petitioner stating that



the petitioner belong to "Kurumbar" most Backward Class (MBC) Community without conducting any enquiry. In fact there is no such community as Kurumbar (MBC) without even knowing the fact, the Deputy Tahsildar issued the community certificate wrongly. Further it is stated that the petitioner's husband P.Gnanasekar obtained community certificate from the respondent on 14.08.2008 stating that he belongs to Kurumans (ST) community. The petitioner's father-in-law also obtained community certificate from the respondent on 12.03.1997. Based upon the above certificates and circular issued by the Secretary to Government, the father-in-law of the petitioner M.Perumal preferred an application to the respondent on 10.11.2018 requesting to issue community certificate to the petitioner and since the same was not considered, the petitioner preferred an application to the respondent on 02.12.2019 requesting the respondent to issue community certificate that she belongs to Kurumans (ST) Community. Since her representation was also not considered, she has come forward with the present Writ Petition for the relief stated supra.

3. Heard learned counsel for the petitioner and learned Special Government Pleader appearing for the respondent.

4. Having regard to the submissions made by the learned counsel on either side and taking into account the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, we direct the respondent to consider and dispose of the petitioner's representation dated 02.12.2019 and pass orders on merits and in accordance with law, based on the community certificate issued to the petitioner's husband within a period of four weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the matter and it is for the respondent to decide the same at the time of disposal of the said representation purely on merits by affording opportunity of personal hearing to all the parties concerned.

5. The writ petition is disposed of with the above observations and directions. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq

To

The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.