



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No. 9742 of 2020

and

W.M.P. (MD) No. 8747 of 2020

T.Balagurunathan

...Petitioner

-Vs-

1.The Revenue Divisional Officer /
District Adi-Dravidar Welfare Officer,
O/o. Revenue Divisional Officer,
Madurai.

2.The Principal / Head of Institution,
Kendriya Vidyalaya Senior Secondary School,
Opp. To Kattupillaiyar Kovil, PT Rajan Road,
B.B.Kulam, Narimedu, Madurai-625 002.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to issue Community Certificate to the petitioner's daughters namely B.Teja Sri and B.Sri Shivani on the basis of the petitioner's application dated 09.10.2019 within a period of time as may be fixed by this Court.

For Petitioner	: Mr.M.Ponniah
For R1	: Mr.M.Muthugeethaiyan, Special Government Pleader.
For R2	: Mr.E.T.Rajendran, Standing Counsel.

ORDER

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

The matter in issue pertains to issuance of Hindu-Malaivedan Community Certificate in favour of the daughter of the petitioner, who got admission in 1st Standard in the second respondent school.



2. When the matter was listed on 20.08.2020, the learned Special Government Pleader as well as the learned Assistant Solicitor General accepted notice for the respondents and prayed for time to get instructions.

3. The second respondent has filed counter-affidavit, stating that in the light of the subsequent development, nothing remains for further adjudication in the Writ Petition.

4. The learned Special Government Pleader appearing for the first respondent would submit that the request made by the petitioner for issuance of Community Certificate to his daughter came to be rejected by the first respondent, vide proceedings dated 21.08.2020 and the remedy open to the petitioner, if any, is to make a challenge by filing an appeal before the State Level Scrutiny Committee.

5. The learned counsel appearing for the petitioner prays for appropriate direction to the second respondent to provisionally admit her daughter.

6. The learned counsel appearing for the second respondent submits that since the production of the community certificate is mandatory one, it cannot be waived.

7. This Court has considered the rival submissions. In the light of the said development, nothing remains for further adjudication in this Writ Petition and therefore, this Writ Petition is dismissed as infructuous. However, it is open to the petitioner to file an appeal before the State Level Scrutiny Committee by making challenge to the order dated 21.08.2020 passed by the first respondent, within a period of three weeks from the date of receipt of a copy of this order and upon receipt of the same, the State Level Scrutiny Committee is directed to entertain the appeal, if the papers are otherwise in order and accord priority and dispose of the same in accordance with law, as expeditiously as possible, not later than eight (8) weeks thereafter and communicate the decision taken, to the petitioner. The Registry is directed to mark a copy of this order to the State Level Scrutiny Committee. No costs. Consequently, connected miscellaneous petition is closed.

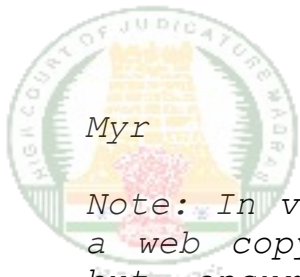
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Chairman,
State Level Scrutiny Committee-II /
Additional Secretary to Government,
Adidravidar and Tribal Welfare (CV3) Department,
Chennai-600 009.

2.The Revenue Divisional Officer /
District Adi-Dravidar Welfare Officer,
O/o. Revenue Divisional Officer,
Madurai.

+1 CC to M/s.GP (SR-17965[F] dated 24/09/2020)

+1 CC to M/s.E.T. RAJENDRAN, Advocate (SR-17909[F] dated 24/09/2020)

Order made in
W.P. (MD) No.9742 of 2020
23.09.2020

NS (CO)
TR(06.10.2020) 3P 5C