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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:15.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.7536 of 2021

and

W.M.P.No.26953 of 2021

C. Chinnasamy

.....Petitioner

Vs

1. The Vice Chancellor,
Anna University,
Guindy, Chennai-600 025.

2. The District Collector,
Dharmapuri,
Dharmapuri District.

3. The Principal,
Jayalakshmi Institute of Technology,
Thoppur-636 352.

4. The Sub Collector cum Revenue Divisional Officer,
Mettur Dam-1,
Salem District.

5. The Tahsildar,
Taluk Office,
Kalayampatti Taluk,
Salem District.

.....Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to permit the petitioner's son to attend the second academic year B.E. Course without insisting the community certificate by considering his representation dated 22.02.2021.

For petitioner	: Mr. M. Elango
For Respondent No.1	: Mr.L.P.Shanmugasundaram
For Respondents 2, 4 & 5	: Mrs. C. Sangamithirai, Special Government Pleader



ORDER

The present petition has been filed seeking issuance of a Writ of Mandamus directing the 3rd respondent to permit the petitioner's son to continue the 2nd year of the B.E. Course, pursuant to the petitioner's representation dated 22.02.2021.

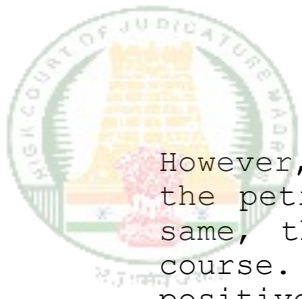
2. The case of the petitioner is that the petitioner's son was admitted in the 3rd respondent college to pursue the degree course in B.E.(Electronic and communication Engineering) during the academic year 2019-2020. After joining the said course, the petitioner made an application to the respondents 4 & 5, seeking to issue a community certificate to his son stating that he belongs to Hindu Erular (Scheduled Tribe) community. Thereafter, the said application was forwarded to the Village Administrative Officer, Kanavaipudur village for conducting the enquiry. After conducting the enquiry, the Village Administrative Officer concerned gave a statement on 21.01.2020 stating that the petitioner's son and his family members are belonging to the Erular Community (Schedule Tribe) Community and the same was also recommended to the Higher Officials. However, the process of issuing community certificate is being carried out and the community certificate is yet to be issued to the petitioner's son by the Competent Authority. Since, the 3rd respondent college is not permitting the petitioner's son to continue the 2nd year of the said course without community certificate, the petitioner made a representation dated 22.02.2021 to respondents 1 to 3 to permit his son to continue the course. However, till date the same has not been considered. Hence, the present Writ Petition is filed seeking the above relief.

3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 3rd respondent to permit the petitioner's son to pursue the 2nd year of the B.E. Course without insisting the community certificate, pursuant to the petitioner's representation dated 22.02.2021.

4. Learned Special Government Pleader submits that the petitioner's application for issuance of community certificate will be considered and appropriate orders will be passed on the same within the time frame fixed by this Court.

5. Heard, the learned counsel on the either side and perused the materials available on record.

6. Though the petitioner was admitted in the 3rd respondent College under the Scheduled caste category, at that time, the petitioner has not produced the community certificate.



However, when the College insists for the community certificate, the petitioner is bound to produce the same. In default of the same, the petitioner has not been allowed to continue the said course. In such view of the matter, this Court cannot issue any positive direction to the 3rd respondent college to permit the petitioner to continue the course. Hence, the prayer sought for by the petitioner cannot be acceded to.

7. However, according to the petitioner, he has applied for the Community Certificate to the 4th respondent herein. In view of the same, this Court without going into the merits of the case, directs the 4th respondent to consider the petitioner's application dated 25.07.2019 seeking for issuance of community certificate and pass appropriate orders on the same, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. This petition is disposed of accordingly with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

NHS

To

1. The Vice Chancellor,
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Guindy, Chennai-600 025.
2. The District Collector,
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5. The Tahsildar,
Taluk Office,



Kalayampatti Taluk,
Salem District.

+lcc to Mr.M.Elango, Advocate SR.No.68047
+lcc to the Government Pleader, SR.No.67495

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PL(CO)
CB(31/01/2022)