



W.P.No.5855 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.10.2022**

CORAM:

THE HONOURABLE MR.**JUSTICE R.SUBRAMANIAN**

AND

THE HONOURABLE MR.**JUSTICE K.KUMARESH BABU**

Writ Petition No.5855 of 2022

R.Shakthivel

..Petitioner

Vs.

1. The District Collector,
O/o. The District Collectorate,
Dharmapuri.
2. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
3. The Tahsildar,
Taluk Office, Palacode,
Dharmapuri District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent passed in Na.Ka.No.18288/2020/A4 dated 20.11.2021 confirming the order dated 23.09.2020 in Na.Ka.No.2953/2018/A4 of the second respondent and the order dated 20.06.2019 in Na,Ka,No.650/2019 (A2) of the third respondent and quash the same and consequently direct the respondents to issue the Panniandi Schedule Caste Community Certificate to the petitioner within the time to



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be stipulated by this Court.

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For Petitioner : Mr.R.Bharathkumar

For Respondents : Ms.C.Sangamithirai
Special Government Pleader

ORDER

(Order of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge in this Writ Petition is to the proceedings of the District Collector of Dharmapuri dated 20.11.2021, in and by which, the District Collector, rejected the claim of the petitioner for a Community Certificate to the effect that he belongs to Panniandi, a schedule caste community.

2. In support of his claim the petitioner relied upon the certificate issued to his father by the Competent Authority on 01.10.1982. We also find that relying upon such certificate, the petitioner's father was employed as a sanitary worker in the Palacode Sugar Mill and a copy of the Service Register has been produced recording the fact that he belongs to Panniandi, a schedule caste community. The petitioner also relied upon the entries made in his Transfer Certificate in the year 2001, when he was admitted in the 5th standard in the Government Higher Secondary School, Palacode,



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wherein also it is entered that the petitioner belonged to Panniandi, a schedule caste community. Reliance was also placed upon certificates issued to certain near relatives.

3. The Tahsildar, Palacode, who examined the claim of the petitioner at the first instance, concluded that the petitioner does not belong to Panniyandi community, but he belongs to a Most Backward Community called Hindu Jogi, therefore, he is not entitled to a certificate. The Tahsildar also took note of the fact that there was no registration of any Birth of a person belonging to Panniandi Community in the Village concerned for 45 years. Aggrieved by the orders of the Tahsildar, the petitioner preferred an Appeal to the Revenue Divisional Officer, Dharmapuri, who confirmed the findings of the Tahsildar by his order dated 23.09.2020. A further Appeal to the District Collector also met with the same fate. Hence the petitioner is before us.

4. We have heard Mr.R.Bharath Kumar, learned counsel appearing for the petitioner and Ms. C.Sangamithirai, learned Special Government Pleader appearing for the respondents.



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5. Mr.R.Bharath Kumar, learned counsel appearing for the petitioner would vehemently contend that this Court, in several decisions relating to issuance of Community Certificate, had categorically held that once the Certificate of the parents of the petitioner is produced, it has to be accepted as conclusive proof of the community of the petitioner. The rejection of the claim for a community certificate in cases where the parents of the applicant have been favoured with the certificate have been frowned upon by this Court in several judgments. Despite such clear pronouncements, we find that the Authorities mechanically reject request for community certificate where the certificates issued to the parent/s are produced.

6. Though the District Collector was alive to the fact that the father of the petitioner have been favoured with the certificate certifying that he belongs to the Schedule Caste Community called Panniandi, the District Collector has faulted the petitioner for not producing any other evidence. In our considered opinion, no other evidence is required to justify the claim of the petitioner. The District Collector in the order impugned has not doubted the genuineness of the certificate issued to the father.



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Therefore, he ought to have accepted the same and issued a certificate to the petitioner also. The effect of the Transfer Certificate has also been totally ignored by the District Collector. Even when the petitioner was in 6th standard his community is shown as Panniandi, a Schedule Caste Community in the Transfer Certificate issued by the Government School. We have no reason to doubt the correctness of the statement made therein.

7. In view of the above, we find that the orders of the Authorities are in contravention of the settled principles of law laid down by the Hon'ble Supreme Court and this Court with reference to issuance of a community certificate. We therefore have no other option but set aside the orders and direct the third respondent, namely the Tahsildar, Palacode, to issue a certificate to the effect that the petitioner belongs to Panniandi, a Schedule Caste Community. Such certificate shall be issued within a period of four (4) weeks from the date of receipt of a copy of this order. The Writ Petition is **allowed**. There shall be no order as to costs.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)
19.10.2022



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Index: Yes/no

Internet: Yes/no

speaking order/non speaking order

jv

Note: Time Bound case

To

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(jv)

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