



W.P.No.11552 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

Writ Petition No.11552 of 2022

R. Karthikeyan

... Petitioner

Versus

The Sub Collector,
Harur,
Dharmapuri District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection passed in Ni.Mu.182/2020/A3 dated 16.11.2020 on the file of the respondent quash the same and direct the respondent to issue community certificate to the petitioner's children namely K.Sanjay Kumar and K.Divya that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner's own brother R.Sivakumar which was verified by the State Level



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Caste Scrutiny Committee in Proceedings No.16943/CVIII/2014 dated

06.03.2015.

For Petitioner : Mr.S.Doraisamy

For Respondents : Ms.C.Sangamithirai
Special Govt. Pleader

ORDER

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

Challenge in the Writ Petition is to the wholly unreasonable order of the Sub Collector, Harur dated 16.11.2020. The petitioner and his children sought for a Certificate to the effect that he belongs to Hindu Kurumans, a Scheduled Tribe Community.

2. The petitioner relied upon the Certificate that was granted to his own brother R.Sivakumar, by the Revenue Divisional Officer, Dharmapuri on 23.07.1996, which was verified by the State Level Scrutiny Committee and found to be genuine. The order of the State Level Scrutiny Committee upholding the claim of the petitioner's own brother is dated 06.03.2015. However as reprehensible and unreasonable they are, the Authorities



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rejected the claim of the children of the petitioner, despite the claim being based on the certificate issued to his own brother namely Mr.R.Sivakumar, which has been held to be genuine by the State Level Scrutiny Committee.

3. In fact the claim of the children of the said Sivakumar was also rejected by the authorities. The said rejection was subject matter of challenge in WP No.28462 and 28463 of 2015, a Division Bench of this Court set aside the order and directed issuance of a Community Certificate to the children of the brother of the petitioner to the effect that they belonged to Hindu Kurumans, a Scheduled Tribe Community. While doing so, the Division Bench had observed as follows:

“3. We have been repeatedly observing that a community comprises the members of the family and also, members of the same group or tribe or caste and that the children derive their community from their parents. If the father has been granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificate issued to the father by the competent authority, unless the same is set aside or modified by the



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higher authority, i.e., State Level Scrutiny Committee. Further, it is for the authorities to examine the relationship. When the community certificate issued in favour of the father has been verified and approved by the State Level Scrutiny Committee, it is not open to the competent authority to question the same and take a contrary view dis-crediting the view taken by the State Level Scrutiny Committee, which is tantamount to overriding the authority of the State Level Scrutiny Committee.”

4. In the case on hand also originally the Revenue Divisional Officer had rejected the application of the petitioner by an order dated 18.05.2015 that was challenged by the petitioner before the District Collector, Dharmapuri, as per G.O.Ms.No.147. The District Collector allowed the Appeal and remitted the matter to the Revenue Divisional Officer. Thereafter again the Revenue Divisional Officer passed the impugned order on 16.11.2020. This has been done in the teeth of the judgment of the Division Bench. We have been coming across such excesses by the Executive, particularly in cases relating to issuance of Community



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Certificates to Scheduled Tribe Community people.

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5. Once the State Level Scrutiny Committee has affirmed the certificate of the brother of the petitioner, the authorities, who are vested with the job of issuing Community Certificate under the relevant Government orders are bound to follow the same, they cannot take a different view. The case on hand is a classic example of apathy, and Executive arrogance. Even after the State Level Scrutiny Committee upholding the claim of the petitioner's brother, the claim of his children was rejected and they had to come up to this Court and the Division Bench of this Court had to step in to ensure that the certificates are issued to the children of the petitioner's brother. Now it is the turn of the Executive to repeat the same arrogant behaviour by rejecting the claim of the petitioner also. We do not know when such behaviour is going to end.

6. Considering the fact that the Certificate of the petitioner's brother had been verified by the State Level Scrutiny Committee and has been certified to be genuine, the Revenue Divisional Officer/ the Sub



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Collector, Harur the original Authority has no discretion but to issue a Certificate in favour of the petitioner.

7. In view of the above, the Revenue Divisional Officer/the Sub Collector, Harur is directed to issue a Certificate to the effect that the petitioner, his wife and children belong to the Scheduled Tribe Community of Kurumans within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of with the above direction.
There shall be no order as to costs.

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

J.)

jv

02.12.2022

Index: Yes/ No

Internet: Yes/No

Speaking Order/Non Speaking order

To

The Sub Collector,
Harur,

6/8



Dharmapuri District.

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