



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.05.2022

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12516 of 2022

R.Malarkodi

... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.
represented by its Chairman.

2.The Director,
Tribal Welfare Department,
Chepauk, Chennai 600 005.

3.The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

4.The Deputy Superintendent of Police,
Social Justice & Human Rights Division and
District Vigilance Enquiry Division,
Dharmapuri, Dharmapuri District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 & 2 to proceed with the enquiry regarding genuineness of social status and verification of Kurumans (ST) community certificate of the petitioner issued by the third respondent in his proceedings in ROC.No.3306/96(A3) dated 21.05.1996 within the time framed manner.

For Petitioner	:	Mr.V.Elangovan
For Respondents	:	Mr.Jayaprakash Government Advocate



O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

With the consent of the learned counsel for both sides, the writ petition is disposed of at the admission stage itself.

2. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.Jayaprakash, learned Government Advocate for the respondents.

3. The petitioner asserts that she belongs to Kurumans community, which has been classified as a Scheduled Tribe community. The petitioner is also possessing the necessary community certificate, and the petitioner applied to the Revenue Divisional Officer, Dharmapuri District for issuing community certificates for her children. The petitioner's children have joined professional courses. The third respondent, for reasons best known, denied the petitioner's request vide order dated 12.11.2020. In the said order, in the penultimate paragraph a recommendation has been made to the fourth respondent for going into the genuineness of the petitioner's community certificate. Though this order was passed way back on 12.11.2020 and the petitioner has also given a representation on 23.01.2021, till date the first respondent has not chosen to take a call in the matter and that necessitated filing this writ petition.

4. When the matter was taken up for hearing, the learned Government Advocate submitted that as against the order passed by the third respondent, appeal lies only before the District Collector and only the Second Appeal will lie before the State Level Scrutiny Committee. He therefore submitted that the writ petition is not maintainable.

5. We do not agree with the said contention advanced by the learned Government Advocate. The petitioner is admittedly possessing a community certificate. For reasons best known, the competent authority felt that the genuineness of the petitioner's certificate should be gone into. The petitioner has also given a representation before the first respondent. The first respondent cannot sit over the matter when the future of the petitioner's children is at stake. It is stated that if a proper community certificate is not furnished, the education and career of the petitioner's children may be in jeopardy. The first respondent also cannot take a decision on the petitioner's appeal because he would necessarily go by the decision of the State Level Scrutiny Committee.

6. Therefore considering the overall circumstances, we direct the first respondent to consider the petitioner's



representation dated 26.07.2021 on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order. We make it clear that we have not expressed any opinion on the merits of the matter. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(Vacation Officer)

//True Copy//

Sub Assistant Registrar

KST
To

- 1.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai - 600 009.
- 2.The Director,
Tribal Welfare Department,Chepauk, Chennai 600 005.
- 3.The Revenue Divisional Officer,
Dharmapuri,Dharmapuri District.
- 4.The Deputy Superintendent of Police,
Social Justice & Human Rights Division and
District Vigilance Enquiry Division,
Dharmapuri, Dharmapuri District.

+1 cc to Mr.S.Dorai Samy, Advocate Sr.NO. 31365
+1 cc to Government Pleader Sr.NO. 31445

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CA(CO)
A.SK(20/05/2022)