

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.13858/2022

J.Bharanitharan (Minor)
S/o.K.Jeevanantham,
aged about 17 years
rep. by his father K.Jeevanantham,
S/o.Kuppusamy,
4/36, Veerabathiran Koil Street,
Pappireddipatti, Dharmapuri,
Tamil Nadu-636 905.

...Petitioner

-vs-

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Harur, Dharmapuri District,
Salem Bypass, Periyar Nagar,
Harur-636 903.
2. The Village Administrative Officer,
Pappireddipatti Village,
Dharmapuri District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the respondents to issue Scheduled Tribe Kurumans Community Certificate to the petitioner on the basis of the Scheduled Tribe Kurumans Community Certificate of his father K.Jeevanantham and other close blood relatives within a time frame stipulated by this, after affording an opportunity of personal hearing.

For Petitioner : Ms.K.Nithyashree
For Respondents : Mr.V.Manoharan,
Government Advocate

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents to issue Scheduled Tribe Kurumans Community Certificate to the minor petitioner on

the basis of the Scheduled Tribe Kurumans Community Certificate of his father K.Jeevanantham and other close blood relatives within a time frame stipulated by this, after affording an opportunity of personal hearing to the petitioner's father.

2. Learned Counsel appearing for the minor petitioner would submit that the petitioner's father was issued with a Scheduled Tribe Kurumans Community Certificate dated 18.07.1996 on the basis of the certificate issued to his brother K.Venkatachalam vide ROC.7851/94(A3) dated 30.08.1994 and on the basis of the said community certificate issued to his brother, he was appointed in the National Institute of Ocean Technology against the Scheduled Tribe Reservation Post. Besides, the petitioner's father's paternal cousin one Mr.K.Sivakumar was also issued with the same community certificate and the Transfer Certificate of the petitioner's mother Mrs.Bharati shows that she belongs to Scheduled Tribe Kurumans Community and on the strength of all of the above documentary evidence, the petitioner has applied for Scheduled Tribe Kurumans Community Certificate on 09.10.2021 vide Application No.TN-5202110091637 which is still pending. Therefore, there cannot be any hesitation on the part of the respondents to consider the petitioner's request and as the petitioner is writing +2 Board examination, the Community Certificate is very much necessary to pursue his higher education.

3. Learned Government Advocate appearing for the respondents would submit that when an enquiry was held, the concerned files were not traceable. Therefore, if eight weeks time is granted to conduct an appropriate enquiry, the request of the petitioner would be considered.

4. Recording the said statement of the learned Government Advocate appearing for the respondents, the petitioner's father is directed to approach the 2nd respondent herein, namely, the Village Administrative Officer, Pappireddipatti Village, Dharmapuri District, with a fresh application and relevant documents, namely, Scheduled Tribe Kurumans Community Certificate issued to him and other close blood relatives, within a period of one week and also along with a copy of this Order and on receipt of the same, the 2nd respondent herein is directed to entertain the said application and issue a blood relation chart to the petitioner's father forthwith enabling him to approach the 1st respondent herein, namely, the Revenue Divisional Officer, Revenue Divisional Office, Harur, Dharmapuri District, who in turn, on receipt of the Blood Relation Chart of the petitioner, consider the application of the petitioner and pass appropriate orders on merits and in accordance with law, within a period of four weeks thereafter, after giving an

opportunity of personal hearing to the petitioner's father since the petitioner is a minor represented by his father.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Harur, Dharmapuri District,
Salem Bypass, Periyar Nagar,
Harur-636 903.

2. The Village Administrative Officer,
Pappireddipatti Village,
Dharmapuri District.

+1cc to M/s.K.Nithyashree Advocate, S.R.No.41699

+1cc to the Government Pleader, S.R.No.41964

W.P.No.13858/2022

SKM(CO)
KKV/08/07/2022