



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE Mr.JUSTICE KUMARESH BABU

W.P.No.22990 of 2021

C.Giriprasad

... Petitioner

Vs

The Revenue Divisional Officer

Harur

Dharmapuri District.

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order of rejection passed in proceedings O.Mu.123/2019/A3 dated 09.05.2019 on the file of the respondent and quash the same and direct the respondent to issue community certificate to the petitioner's children viz., (1) C.G.Tharunesh and (2) G.Suppriya that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his own brothers.

For Petitioner : Mr.S.Doraisamy

For Respondent : Ms.C.Sangamithirai
Special Government Pleader



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ORDER

[Order of the Court was made by R.SUBRAMANIAN.J]

Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner.
Ms.C.Sangamithirai, learned Special Government Pleader takes notice for the respondent.

2. Challenge in the writ petition is to the order of the Revenue Divisional Officer, Harur, rejecting the request of the petitioner for grant of certificate certifying that his son C.G.Tharunesh and his daughter G.Suppriya belong to '*Kurumans*', a Scheduled Tribe Community.

3. Normally, we would have required the petitioner to prefer an appeal before the District Collector as prescribed in G.O.(Ms) No.147 Revenue [RA-3(2)] Department dated 17.03.2016. Since we find that the action of the Revenue Divisional Officer is wholly unjust, there is no factual dispute regarding the status of the petitioner and the fact that the order of the Revenue Divisional Officer is in violation of the circulars issued by the Government and directions issued by this Court, we are entertaining this writ petition, despite there being an appeal remedy available.



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4. The rejection is based on the fact that the petitioner has been described as belonging to '*Kurumbar*' Backward Class Community and his paternal uncle one Jadaiyan, S/o.Osan has also been described as *Kurumbar*. The authority has evidently overlooked the fact that the petitioner and his brothers have been favoured with a certificate that they belong to '*Kurumans*', a Scheduled Tribe Community by appropriate authorities and those certificates are valid as of today.

5. This Court and the Hon'ble Supreme Court had repeatedly pointed out that once certificates of close relatives, particularly, parents are available and valid, the children would, automatically, be entitled to such community certificates. Apart from the above, this description as *Kurumbar* is not found in the list of Most Backward Classes/Backward Classes or Scheduled Castes/Scheduled Tribes. This has been pointed out by this Court in its judgment in W.P.No.25963 of 2013 etc., batch dated 22.11.2013. Consequent upon the same, the Secretary to Government, Adi Dravidar and Tribal Welfare Department had written to all the District Collectors on 18.03.2014 instructing them not to issue any certificates certifying that a person belongs to '*Kurumbar*' and not to



take into account any description as '*Kurumbar*', since such community is not found in the list of communities published under the constitution. A Division Bench of this Court has referred to these anomalies in W.P.No.7302 of 2019 and had held that the description as '*Kurumbar*' should not be made a basis for the rejection of the certificate to a person who claims to be a '*Kuruman*'.

6. In view of the above, we have no other option but to set aside the order of the Revenue Divisional Officer and direct him to issue certificates to the petitioner's children certifying that they belong to '*Kurumans*', a Scheduled Tribe Community in view of the fact that the petitioner and his brothers have been certified to belong to the said Scheduled Tribe Community. Such certificates shall be issued within a period of eight weeks from the date of receipt of a copy of this order. The writ petition is allowed. No costs.

[RSMJ] [KBJ]
30.11.2022

Index : No
Speaking order
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To:
The Revenue Divisional Officer
Harur
Dharmapuri District.



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R.SUBRAMANIAN. J.,
and
KUMARESH BABU.J.,

ds

W.P.No.22990 of 2021

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