



W.P. No.28220 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.28220 of 2022 and
W.M.P.No.27514 of 2022

Minor G.Yokesh
rep. By his father and natural guardian
R.Govindaraju, Pasuvapuram Junction,
Kandagoundanoor Post,
Pappireddipatti Taluk,
Dharmapur District.

... Petitioner

Vs.

1.The Secretary
Tamil Nadu Engineering Admissions (TNEA),
Anna University,
Chennai – 600 025.

2.The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai – 600 009.
rep. By its Chairman.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to treat the application and permit the petitioner to participate in the B.E./B.Tech course counselling – 2022-2023 (Application No.397713) under ST category and admit the petitioner provisionally otherwise he is eligible under Government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate.



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For Petitioner : Mr.V.Elangovan

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader

: Mr.C.Jayaprakash
Government Advocate

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to treat the application and permit the petitioner to participate in the B.E./B.Tech course counselling – 2022-2023 (Application No.397713) under ST category and admit the petitioner provisionally otherwise he is eligible under Government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate.

2. The petitioner had applied for admission in Tamil Nadu Engineering Admissions i.e. B.E. degree course for the academic year 2022-2023.

3. As claimed by the petitioner, the petitioner belongs to Kurumans community which is one of the community under ST category. In this regard, since the ST community certificate has not so far been



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given and the plea raised in this regard by the petitioner having been considered was rejected by the RDO concerned, against which he filed appeal before the 2nd respondent i.e. State Level Scrutiny Committee before whom the appeal is pending.

4. In the meanwhile, the 2nd respondent seems to have directed the Director of Tribal Welfare, who in turn directed the Deputy Superintendent of Police concerned in the Vigilance Cell at Dharmapuri District to conduct an enquiry and file a report. The Deputy Superintendent of Police also after conducting the enquiry filed the report to the Director of Tribal Welfare on 08.02.2020 giving the positive report supporting the claim of the petitioner that the petitioner's claim that he belongs to the Kurumans Community is to be accepted. However, so far no orders finally has been passed by the 2nd respondent State Level Scrutiny Committee and in the meanwhile, since the respondents i.e. the 1st respondent already conducted the three rounds of counseling for admission in B.E. degree for the academic year 2022-23 and the fourth round of counseling is slated to be conducted on 29.10.2022, therefore, in that fourth round also if the petitioner's candidature is not considered under the ST community, the chance of the petitioner to get a seat in B.E.



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admission for the academic year 2022-23 would be in jeopardy, therefore, the petitioner has approached this Court by filing the present writ petition.

5. Heard Mr.V.Elangovan, learned counsel for the petitioner and Mr.C.Jayaprakash, learned Government Advocate appearing for the 1st respondent and Mrs.C.Sangamithirai, learned Special Government Pleader appearing for the 2nd respondent.

6. The learned Special Government Pleader appearing for the 2nd respondent submits that, based on the report already been submitted, the State Level Scrutiny Committee i.e. the 2nd respondent, as the Member Secretary of the Committee only recently has joined in the Committee, would consider the issue and if the petitioner is eligible to get such a certificate that would be granted within a time frame that may be stipulated by this Court.

7. Mr.C.Jayaprakash, learned Government Advocate appearing for the 1st respondent would submit that, unless a certificate to that effect declaring the community status of the petitioner is issued by the 2nd



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respondent, the petitioner would not be considered as a ST candidate as so far the petitioner has been considered only as a general candidate.

8. I have considered the said submissions made by the learned counsel for the parties.

9. Insofar as the plea raised by the petitioner in this writ petition is concerned, it is not a new one, as this Court in number of such cases similar to that of the petitioner has already been considered and orders have been passed. I had an occasion to pass an order in similar writ petitions recently dated 14.10.2022 in W.P.Nos.27505 & 27507 of 2022 in the matter of V.Avandhika and D.Swarnalakshmi Vs. Director General of Health Services and others where *inter alia* has passed the following directions:

“8. On perusal of the enquiry report, submitted by the Deputy Superintendent of Police as has been extracted herein above in both the cases after having considered the documents produced by the respective petitioners’ side and after having enquiry in the locality about the customs, usage etc., of the family concerned, the report has been filed recognising the claim made by the petitioners that the



petitioners belongs to Hindu-Kurumans community, which is one of the community under the ST.

9. Therefore, prima facie it could be ascertained that there was a positive report submitted by the Enquiry Officer and based on which alone the fourth respondent State Level Scrutiny Committee is going to pass the final order.

10. Before which, the report has to be forwarded by the Director of Tribal Welfare, Chennai to the fourth respondent, therefore, it will take a reasonable time. However, in the meanwhile since the counselling for admission to M.B.B.S Courses and B.D.S Courses is going to start shortly, the petitioners, if are considered to be ST candidates, they may have the prospects of getting admission under the said quota and if the declaration to that effect by the fourth respondent is getting delayed and in the meanwhile, the counselling is completed and the seats earmarked for ST quota are filled up, then ultimately it would be a case of fiat accompli and therefore this Court feels that, a comprehensive directions can be given in these writ petitions by disposing these writ petitions finally. Accordingly the following orders are passed in these writ petitions:

- ◆ *That there shall be a direction to the fourth respondent to immediately receive the report from the Director of Tribal Welfare, Chennai as the DSP*



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concerned of the Vigilance Cell attached with the fourth respondent have already submitted the report in the Month of June and in the Month of August of 2022 itself and after getting the report from the Director of Tribal Welfare, the fourth respondent having considered the same shall pass final orders as to the status of the petitioners within a period of two weeks from the date of receipt of a copy of this order.

- ◆ *In the meanwhile, there shall be a direction to the third respondent to permit the petitioners viz., V.Avandhika and D.Swarnalakshmi to participate in the Counselling to be conducted by the third respondent for admission in M.B.B.S. and B.D.S Courses for the academic year 2022-2023 under the schedule tribe community quota.*
- ◆ *Based on the inter se merit among the ST candidates, if the petitioners are able to secure a seat that admission shall be subject to the outcome of the decision to be made by the fourth respondent State Level Scrutiny Committee as to the communal status of these petitioners and the petitioners shall not claim, any equity, in case any negative order is passed by the fourth respondent State Level Scrutiny Committee, on the ground that they have been permitted to participate in the counselling to choose*



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a seat on their choice based on their inter se merit in the ST quota.

With these directions, these writ petitions are disposed of. No costs. Connected miscellaneous petitions are closed.”

10. In the petitioner case also such a report positively has already been given by the Deputy Superintendent of Police concerned in the year 2020 itself and the learned counsel appearing for the 2nd respondent State Level Scrutiny Committee also on instruction would submit that the report as well as the other reports would be considered and orders to that effect would be passed with regard to the ST certificate to the petitioner within a time frame that may be stipulated, taking into account of the aforestated facts, this Court is inclined to dispose of this writ petition with the following orders:

(i) That there shall be a direction to the 2nd respondent to pass orders on the plea of the petitioner i.e., the appeal filed before the 2nd respondent for declaration of his Community status as ST candidate and such orders shall be passed by the second respondent within a period of three weeks' from the date of receipt of a copy of this order.



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(ii) In the meanwhile, since the fourth level counselling is to be commenced from 29.10.2022 for Engineering admission of the current year, the 1st respondent is hereby directed to permit the petitioner to participate in the counselling as a ST candidate and if he is able to choose the seat on *interse* merit, the said admission to be given to the petitioner by the first respondent is subject to the outcome of the decision to be made by the second respondent in declaring the Community status of the petitioner as indicated above.

11. With the above said directions, this writ petition is disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

20.10.2022

Index : Yes/No

Speaking order : Yes/No

Note : Issue order copy on 26.10.2022

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R.SURESH KUMAR, J.

Sgl

To

1.The Secretary

Tamil Nadu Engineering Admissions (TNEA),
Anna University, Chennai – 600 025.

2.The Chairman

The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai 9.

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