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W.P.No.28645 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.28645 of 2022
and WMP.No.27923 of 2022

M.Bhavankumar
S/o.(Late)C.Madesh

... Petitioner

-Vs-

1. The Chairman,
Admission Committee(UG)
The Tamil Nadu Veterinary and Animal Sciences University,
(TANUVAS),
Chennai – 600 051.

2. The Collector,
Dharmapuri,
Dharmapuri District.

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

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent to treat the application and permit the petitioner to participate in the BVSC, AH & B.Tech courses counselling – 2022-2023 under ST category and admit the petitioner provisionally otherwise he is eligible without insisting upon the production of community certificate.



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W.P.No.28645 of 2022

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.S.Vijayakumar
Standing Counsel [R1]
: Mr.N.Naveen Kumar
Government Advocate [R2 & R3]

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent to treat the application accepted and permit the petitioner to participate in the BVSC, AH & B.Tech courses counselling for the academic year 2022-2023 under ST category and admit the petitioner provisionally otherwise he is eligible without insisting upon the production of community certificate.

2. The petitioner applied to the first respondent for getting admission in the first year BVSC, AH and B.Tech courses for the academic year 2022-2023 under the scheduled tribe community quota.

3. It is a case of the petitioner that the petitioner belongs to a community called Kurumans, which is one of the scheduled tribe community and in this regard, the petitioner's father as well as the mother



W.P.No.28645 of 2022

having been considered was given the ST community certificate by the competent authority i.e., the Revenue Divisional Officer, Dharmapuri on 24.06.1996 and 19.07.1996 and therefore, there can be no further impediment for considering the plea of the petitioner for grant of community certificate as ST community and on that strength, when the petitioner made an application to the Revenue Divisional Officer i.e., third respondent, the said application was rejected by the third respondent on 10.10.2022 stating that before 1970, the relatives of the petitioner were belongs to Kurumba community therefore, no documents have been filed on behalf of the petitioner to establish his claim that he belongs to Kurumans community and in this regard, it is a finding given by the Revenue Divisional Officer that there has been no evidence from some blood relatives of the petitioner to establish that the petitioner belongs to Kurumans community. Therefore on that ground, the plea raised by the petitioner was rejected by the Revenue Divisional Officer on 10.10.2022.

4. As against the said order, the petitioner has preferred an appeal to the second respondent i.e., District Collector on 20.10.2022 before whom, the appeal is still pending.



W.P.No.28645 of 2022

5. In the meanwhile, the first respondent is going to commence the counselling for admission in the first year BVS, AH and B.Tech courses for the year 2022-2023. Therefore, ultimately even if the appeal is allowed by the second respondent and the community certificate is issued to that effect to the petitioner and by the time the counselling, if it is over, then it would be a case of *fait accompli* and the chance of the petitioner to get a seat of BVC, AH and B.Tech courses for the current academic year under the ST quota would be jeopardized and at this juncture, the petitioner has moved the present writ petition with the aforesaid prayer.

6. Heard Mr.S.Doraisamy, learned counsel appearing for the petitioner, who having reiterated the aforesaid would seeks indulgence of this Court.

7. Heard Mr.S.Vijayakumar, learned Standing Counsel appearing for the first respondent, who would submit that, if ultimately the appellate authority i.e., second respondent Collector has rejected the appeal filed by the petitioner, confirming the order passed by the Revenue Divisional Officer and in the meanwhile, if the petitioner is



W.P.No.28645 of 2022

considered for admission under the ST quota and an admission is given, the petitioner if is sent out thereafter and in that case, the said allotment to the petitioner would go waste not only for this academic year for the whole five years. Therefore, at this juncture, the petitioner is not entitled to get the relief against the first respondent.

8. On the other hand Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents 1 to 3 would submit that, if at all any appeal is filed before the second respondent i.e., District Collector that too only on 20.10.2022, the second respondent District Collector would take a reasonable time to decide the appeal and pass orders thereon on merits and in accordance with law. Therefore, at this juncture, since the petitioner has not sought for any relief directly against the second respondent, the appeal would be decided at the earliest on merits and in accordance with law by the second respondent, he contended.

9. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.



W.P.No.28645 of 2022

10. Insofar as the plea made by the petitioner to get a community certificate of ST community is concerned, that was rejected by the third respondent Revenue Divisional Officer by order dated 10.10.2022. In the said order nowhere the third respondent has considered the community certificate obtained by the petitioner's parents both father and mother in favour of whom, as stated supra, ST community certificate has been given by the Revenue Divisional Officer concerned in the year 1996 itself.

11. If those certificates have been considered by the Revenue Divisional Officer i.e., third respondent, definitely, he would not come to the present conclusion, which is reflected in the impugned order.

12. Be that as it may. Now the said order has not been challenged before this Court and it is a subject matter of the appeal filed before the second respondent, let they take a decision on the said appeal.

13. In the meanwhile, as has been rightly pointed out by the learned counsel appearing for the petitioner that, if ultimately the petitioner's plea is accepted by the Revenue Authorities and a community



W.P.No.28645 of 2022

certificate to that effect is issued, by the time the counselling would be over and the chance of the petitioner to get a seat would not be available to the petitioner any more. Therefore, this Court feels that in order to meet the ends of justice, by taking into account of the fact that the petitioner's parents belongs to ST community, for whom certificates have been given by the competent authority and the said certificate sofar has not been challenged or cancelled as stated by the learned counsel appearing for the petitioner, this Court feels that in all probability the petitioner may be in a position to get ST community certificate at the hands of the Revenue Department. Therefore, in that circumstances, this Court feels that, a direction can be given to the first respondent to permit the petitioner to participate in the counselling. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to permit the petitioner to participate in the counselling for admission of BVS, AH and B.Tech course for the academic year 2022-2023 under ST quota and on such permission, if the petitioner is able to secure a seat based on the *inter se* merit and if a seat is allotted to the petitioner, such a allotment of seat and admission given to the



W.P.No.28645 of 2022

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petitioner under the said quota would be subject to the outcome of the decision to be made by the second respondent, before whom the appeal is pending with regard to the community status of the petitioner.

With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petition is closed.

31.10.2022

mp

NOTE : Issue order copy today (01.11.2022)

To

1. The Chairman,
Admission Committee(UG)
The Tamil Nadu Veterinary and Animal Sciences University,
(TANUVAS),
Chennai – 600 051.
2. The Collector,
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Dharmapuri District.
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W.P.No.28645 of 2022

R.SURESH KUMAR.J.,

mp

W.P.No.28645 of 2022

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