



W.P.(MD)No.19512 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P.(MD)No.19512 of 2022

K.Elakkiya

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the second respondent to issue a Valluvar Community Certificate to the petitioner by disposing of her representation dated 21.06.2022 within the time limit that may be stipulated by this Court.

For Petitioner

: Mr.D.Selvanayagam

For Respondents

: Mr.N.Satheesh Kumar,
Additional Government Pleader

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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

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This writ petition is filed for issuance of a Writ of Mandamus directing the second respondent to issue a Valluvar Community Certificate to the petitioner by considering the representation of the petitioner, dated 21.06.2022.

2. Heard Mr.D.Selvanayagam, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that her father belongs to Valluvar Community, which comes under Scheduled Caste Community. Though the petitioner's mother belongs to Maravar community, which comes under Most Backward Community, the petitioner applied for community certificate stating that she belongs to Valluvar Community and she is entitled to get community certificate by virtue of G.O.(Ms)No.477, Social Welfare Department,



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dated 27.06.1975. The petitioner applied for community certificate on 28.12.2021 and submitted a representation subsequently on 21.06.2022.

4. The learned Additional Government Pleader, on instructions, submitted that the on-line application of the petitioner was rejected/returned on the ground that the petitioner is not residing in the village and in the enquiry it is found that the mother's community is noted wrongly and father or mother's community certificate is not attached.

5. The learned counsel for the petitioner however states that the community of the mother and father, is clearly mentioned in the application and the community certificate issued to the mother or father is not required.

6. As per G.O.(Ms)No.08, Backward Classes, Most Backward Classes & Minorities Welfare (BCC) Department, dated 09.02.2021, the authorities are instructed to issue appropriate community certificate to the children born out of inter-caste marriage by giving guidelines. The scope of enquiry, of course,



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depends upon certain facts, however, the on-line application rejected on technical reasons can be avoided. When the petitioner's sister has been given community certificate as if she belongs to Valluvar Community, the petitioner's application in all fairness should be considered. Though it is stated that necessary documents are not furnished, the said statement is refuted by showing some of the documents which were annexed to the application.

7. The contention of the learned counsel for the petitioner based on G.O.(Ms)No.477, dated 27.06.1975, appears to be acceptable as the Government has directed that children born out of marriage between parents of two different castes, shall be considered to be belonged to either the caste of the father or the caste of the mother based on the declaration of the parent. These aspects will have to be examined. Since the application submitted by the petitioner has been rejected, it will be appropriate for the petitioner to file a fresh application. Upon a fresh application being submitted by the petitioner, the second respondent Tahsildar, is directed to consider the application on merits and in accordance with law.

It goes without saying that the petitioner may



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submit necessary documents which are required so that the application can be considered on the basis of G.O.(Ms)No.477, Social Welfare Department, dated 27.06.1975 and G.O.(Ms)No.08, Backward Classes, Most Backward Classes & Minorities Welfare (BCC) Department, dated 09.02.2021.

With the above direction, this writ petition is disposed of.

No Costs.

[S.S.S.R., J.] [S.S.Y., J.]
24.08.2022

Index : Yes / No

pm

To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.



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