



W.P.(MD).No.21944 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2022

CORAM:

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

**W.P.(MD).No.21944 of 2021
and
W.M.P(MD)No.18517 of 2021**

K.K.Sai Neeveetha

... Petitioner

Vs.

1.The District Collector-cum-Chairman,
District Level Vigilance Committee,
Thiruchirapalli District.

2.The Tahsildar,
Thiruverumbur Taluk,
Thiruchirapalli District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of rejection of the petitioner's online application No.TN-52021071914890 dated 24.07.2021 on the file of the second respondent and quash the same as illegal and direct the second respondent to issue Hindu Scheduled Caste certificate to the petitioner within a stipulated time.



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For Petitioner : Mr.Karthik Kanna
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

Heard Mr.Karthik Kanna, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for the respondents.

2. This writ petition is filed for issuance of a Writ of Certiorarified Mandammus, to quash the impugned order, dated 24.07.2022 passed in the online application on the file of the second respondent and to direct the second respondent to issue Hindu Scheduled Caste certificate to the petitioner, within a stipulated time.

3. The petitioner is an Engineering student completed her M.E. She belongs to Scheduled Caste (Devendrakula Vellalar/Pallar) community. Though the petitioner's biological parents belong to that community, it is admitted by the petitioner that her parents are converted Christians. Following the community and religion of the petitioner's



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parents, the petitioner was issued with 'BC' Christian Certificate.

However, it is the case of the petitioner that she was adopted by her paternal aunt by name Arputha Mary. Though she is a Christian by birth, it is stated that after getting married to a Hindu by name Kannan, she was recognized by the people around her as a Hindu.

4. It is also the case of the petitioner that her biological father Mr.Francis, Mrs.Selvarani and her foster mother Mrs.Arputha Mary, have performed necessary rituals and legally converted her to Hinduism through Sri Ramakrishna Sevashramam, Madurai. It is the further case of the petitioner that she applied for SC Community Certificate as a Hindu-Devendrakula Vellalar/Pallar. The application of the petitioner was rejected on two occasions earlier as not recommended. Even thereafter, a fresh application was submitted by the petitioner on 19.07.2021 seeking SC community certificate so as to get the benefits available to the Hindu reconverted SC applicants and the same was also rejected by giving the following reason that “the petitioner reconverted to Hinduism only in the year 2019”. Challenging the same, the above writ petition is filed.



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5. The learned counsel appearing for the petitioner submitted that the impugned order of rejection is in violation of G.O.Ms.No.1 Adi Dravidar and Tribal Welfare(CV-1) Department, dated 02.01.2009 and contrary to the judgment of the Honourable Supreme Court of India in case of *K.P.Manu vs. Scrutiny Committee* reported in **2015(4) SCC Page 1** and many other similar cases.

6. Since the petitioner was brought up by her foster parents and she is practising Hinduism for several years, the learned counsel for the petitioner submitted that the reason for rejection is not sustainable. It is also stated that the petitioner has married a Hindu and her marriage was also performed by following the rituals of Hindus.

7. The learned Special Government Pleader on the other hand relied upon the counter affidavit filed by the second respondent and submitted that the petitioner cannot be treated as a person re-converted into Hinduism as she is not practising Hindu Religion. In respect of her adoption pleaded by the petitioner, the respondents submitted that the reasons stated by the petitioner are not valid as the petitioner and her



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family members are not accepted by their community people.

8.This Court considered the rival submissions carefully.

9. It is not disputed that the petitioner belongs to Devendrakula Vellalar community. As regards religion, it is the case of the petitioner that her biological parents belong to Devendrakula Vellalar community and they converted into Christianity. The petitioner further states that the petitioner was given in adoption by her parents and her adopted mother Arputha Mary brought up her as a person belonging to Devendrakula Vellalar community practising Hindu lifestyle since her marriage. This Court has no reason to believe or disbelieve the statement made by the learned counsel regarding the religious status of the petitioner from the mere statement. However, it is a matter for proper enquiry.

10. The learned Special Government Pleader submitted that the grounds raised by the petitioner are all unfounded and that the petitioner has to satisfy three tests namely the petitioner should be a child born to Christian Scheduled Caste parents, who subsequently converted into



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Hinduism. It is further stated that only if they are accepted by their community people as Hindus, the petitioner is entitled to get the certificate.

11. From the factual background when we test the legality of the order impugned in the writ petition, this Court is unable to find any rhyme or reason to reject the application filed by the petitioner only on the ground that the applicant has reconverted only in the year 2019. Neither from G.O.Ms.No.1 dated 02.01.2009 nor any material produced, this Court is unable to reconcile. Therefore, the impugned order is not sustainable.

12. Accordingly, the writ petition is allowed and the impugned order passed by the second respondent, dated 24.07.2022, is quashed. However, liberty is given to the respondents to reconsider the application filed by the petitioner afresh and after following the guidelines and directions of the Government in various Government Orders. The petitioner shall be given an opportunity of being heard before passing final order. Fresh enquiry shall be conducted within a period of six



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weeks from the date of receipt of a copy of this order. After following the principles of natural justice and considering the documents, final order shall be passed within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is expected to co-operate with the enquiry and produce all the documents which are required by the respondents while considering the application filed by the petitioner. No Costs. Consequently, connected Miscellaneous Petition is closed.

[S.S.S.R.J.] [S.S.Y.J.]
04.07.2022

Index : Yes / No
Internet: Yes / No

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