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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No.10577 of 2019

E.Prakash .. Petitioner

Vs.

1.The Secretary,
Higher Education Department,
Secretariat, Chennai.

2.The Registrar,
Thiruvalluvar University,
Serkadu, Vellore – 632 115.

3.The Principal,
Jawahar Science College,
Neyveli – 607 803.

4.The District Collector,
Collectorate,
Cuddalore District,
Cuddalore.

5.The Tahsildar,
Taluk Office,
Panruti,
Cuddalore District.

6.The Village Administrative Officer,
Village Administrative Office,
Panickankuppam, Panruti Taluk,
Cuddalore District. ..Respondents

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Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing respondents 1 to 3 to grant certificate with change in the 5th column of transfer certificate as Vanniakula Kshatriya instead of Adi-dravidar.

For Petitioner : Mr.L.Kannan

For Respondents : Mr.K.M.D.Muhilan,
Additional Government Pleader
for R1, 4 to 6

No appearance for R2

Mr.N.Nithianandam for R3

O R D E R

This petition has been filed seeking a direction to the respondents 1 to 3 to grant certificate with change in the 5th column of transfer certificate as Vanniakula Kshatriya instead of Adi-dravidar.

2. It is the case of the petitioner that he studied B.Sc., (Environmental Management) 3rd year in the 3rd respondent's college. The third respondent issued a transfer certificate on 30.04.2018 in which in the 5th column mentioned as Adi-Dravidar & SC instead of Vanniakula Kshatriya. In this regard, the petitioner made application to the respondents to change his

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caste in the transfer certificate. However, no action is taken so far. Hence, the present writ petition.

3. The learned counsel for the petitioner submitted that admittedly, the petitioner belongs to Vanniakula Kshatriya community and therefore, the competent authority viz., Thasildar, has issued a community certificate to the petitioner and his brother as Vanniakula Kshatriya. However, inadvertently, the third respondent has mentioned in the Transfer certificate as Hindu Adi-Dravidar community. In view of the above, the this Court may issue a direction to the 3rd respondent to change the column No.5 of the transfer certificate as Vanniakula Kshatriya instead of Hindu Adi-Dravidar within the stipulated period as fixed by this Court.

4. The learned Counsel appearing on behalf of the 3rd respondent submitted that admittedly the petitioner is having two certificates one is issued by the Tahsildar, Panruti as Hindu Adi-dravidar. Similarly the other certificate has been issued by the Head Quarters Deputy Tahsildar, Panruti as Vanniakula Kshatriya. Such being the position, the third respondent is not competent authority to carry out the changes in the T.C. Therefore, this

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Court may direct the concerned RDO to conduct enquiry and to take appropriate action in this regard.

5. The learned Additional Government Pleader submitted that the Revenue Divisional Officer is not a party in this writ petition. Therefore, this Court may issue a direction to the third respondent to refer the matter to the District Level Committee to conduct enquiry whether the certificate dated 17.07.2017 issued by the Tahsildar is genuine or not.

6. Heard the learned counsel on either side and perused the materials available on record.

7. On perusal of the records, it is seen that the petitioner has two community certificates, in which, one has obtained from the Tahsildar, Panruti dated 09.07.2013 as Hindu Adi-Dravidar and the very same petitioner obtained another community certificate from the Head Quarters Deputy Tahsildar, Panruti as Vanniakula Kshatriya dated 11.02.2014.

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8. In such view of the matter, this Court directs the third respondent to refer the petitioner case to the District Level Committee within a period of four weeks from the date of receipt of a copy of this order. Upon receipt of the same, the District Level Committee shall conclude enquiry within a period of twelve weeks thereafter. After conclusion of enquiry, the first respondent shall make necessary correction in the Transfer Certificate of the petitioner. If the District Level Committee declares that the petitioner belongs to Vanniakula Kshatriya, liberty is granted to the third respondent to collect the concession fees from the petitioner, which was already paid to the petitioner.

9. With the above directions, the writ petition is disposed of. No costs.

11.04.2023

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Speaking Order/ Non Speaking Order
Index: Yes/ No

To

1.The Secretary,
Higher Education Department,

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Secretariat, Chennai.

M.DHANDAPANI,J.

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