



WEB COPY



W.P.No.11461 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.11461 of 2023
and W.M.P.No.11346 of 2023

M.Vadivel

.. Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the online rejection order in Application Numbers in TN-5202212033162 (M.Vadivel), TN-5202212122550 (V.Senbagaselvi) and TN-520230122605 (V.Kalaiselvi) dated NIL, quash the same and direct the respondent to issue community certificate to the petitioner and his daughters viz., V.Senbagaselvi and V.Kalaiselvi that they belong to Kurumans (ST) Community based upon the State Committee report in favour of the petitioner in Proceedings No.10874/CV-3(2)/2017-19 dated 28.11.2022.

For Petitioner : Mr.V.Elangovan



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For Respondent : Mr.A.Selvendran

Special Government Pleader

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition challenging the online rejection order in Application Numbers in TN-5202212033162 (M.Vadivel), TN-5202212122550 (V.Senbagaselvi) and TN-520230122605 (V.Kalaiselvi) dated NIL and directing the respondent to issue community certificate to the petitioner and his daughters viz., V.Senbagaselvi and V.Kalaiselvi that they belong to Kurumans (ST) Community based upon the State Committee report in favour of the petitioner in Proceedings dated 28.11.2022.

2. By consent of the learned counsel appearing for the petitioner as well as Mr.A.Selvendran, learned Special Government Pleader, who takes notice for the respondent, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel appearing for the petitioner as well as learned Special Government Pleader appearing for the respondent and perused the materials on record.



4. According to the petitioner, he belongs to Kurumans ST community. Earlier, the applications made by the petitioner to the respondent for issuance of Kurumans ST certificate to him, his son and two daughters were rejected. The petitioner and his son Prabhakaran have approached this Court by way of Writ Petitions. As per the order of this Court, the State Level Scrutiny Committee conducted enquiry and filed report dated 28.11.2022 stating that petitioner and his son belong to Kurumans ST community. Based on the report of the State Level Scrutiny Committee, the petitioner has made applications to the respondent for issuance of Kurumans ST certificate for himself and his children. However, the respondent issued community certificate to the son of the petitioner alone and rejected the applications of the petitioner as well as his two daughters and hence, the petitioner has come out with the present Writ Petition.

5. From the materials on record, it is seen that the State Level Scrutiny Committee held that petitioner and his son Prabhakaran belong to Kurumans ST community. From the impugned order passed by the respondent, it is seen that the respondent has not given any reason for rejecting the application of the petitioner and his two daughters. The



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respondent has not considered the orders of the State Level Scrutiny Committee while rejecting the application of the petitioner. In view of the same, the impugned order is set aside. The application of the petitioner is remanded to the respondent. The petitioner is directed to enclose all the documents including the report of the State Level Scrutiny Committee and community certificate issued to Prabhakaran, son of the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receiving the same, the respondent is directed to consider the same taking into consideration the report of the State Level Scrutiny Committee as well as community certificate issued to Prabhakaran, son of the petitioner, within a period of two weeks thereafter.

6. With the above observation, the Writ Petition is partly allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

(V.M.V., J) (V.L.N., J)
13.04.2023

Index : Yes / No
Neutral Citation : Yes / No
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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.

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and W.M.P.No.11346 of 2023

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