



W.P.No.13215 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

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G.Annamalai

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District.

2. The Revenue Divisional Officer,
Thiruvannamalai, Thiruvannamalai District.

3. The Planning Officer, Tribal Welfare,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order dated 02.03.2023, Na.Ka.No.Pame/A1/664/2021 on the file of the third respondent and quash the same and direct the first respondent to pass final orders on the petitioner's appeal by taking note of the ethnographic study report of the Director of Tribal Research Center, M.Palada, Udhagamandalam, the Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021, within a stipulated time.



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For Petitioner : Mr.N.Naganathan

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For Respondents : Mr.E.Vijay Anand, Addl.Govt.Pleader

ORDER

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

This Writ Petition has been filed to quash the impugned order dated 02.03.2023 in Na.Ka.No.Pame/A1/664/2021 on the file of the third respondent and direct the first respondent to pass final orders on the petitioner's appeal by taking note of the ethnographic study report of the Director of Tribal Research Center, M.Palada, Udthagamandalam, the Nilgiris made in R.C.No.107/A2/2021 dated 28.10.2021, within a stipulated time.

2. The petitioner is a daily wage labourer by avocation and he has three children, viz., A.Udaya, A.Archana and A.Sumithra and they belonged to Hindu Kattunayakkan community, which is classified as Schedule Tribe. The petitioner has submitted an application to issue community certificate to his daughter A.Sumithra, enclosing his school record sheet and also his children school transfer certificates. Further, on request of District Collector Thiruvannamalai dated 11.05.2021, The Director of Tribal Research Center,



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M.Palada, Udhagamandalam, the Nilgiris has submitted a report dated 28.10.201, confirming that 22 people are eligible to get Schedule Tribe Status, wherein the petitioner name is also found place at Sl.No.5. However, the first respondent concerned neither rejected his application nor passed any order till date. In such circumstances, the third respondent had issued the impugned order dated 02.03.2023, informing that the second respondent has referred the case of the petitioner for getting the inspection report from the Geneticist .

2.1.According to the petitioner, for issuance of community certificate, the Genetic Test/DNA test is not required and only Anthropology report and documents are sufficient to prove the community. Further, though the report of the Anthropologist was forwarded to the second respondent, no action has been taken. Therefore, the impugned order passed by the third respondent may be quashed and the first respondent may be directed to pass final order on the Appeal filed by the petitioner, on the basis of Anthropology Report.

3. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has misunderstood the said



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communication dated 02.03.2023, wherein, it is stated that, the petitioner's application was referred to the Genetic Expert for getting his inspection report. But, the petitioner being misunderstood the impugned communication, as if the petition has been referred for Genetic Test/DNA test, has filed the present writ petition. The learned Additional Government Pleader on instructions has clarified that obtaining report from the Genetic Expert itself is a report of Anthropologist and in view of the said clarification, no further adjudication is required. He has also stated that, earlier, the appeal filed by the petitioner is still pending before the District Collector, Thiruvannamalai, and the same will be considered and appropriate order will be passed on its own merits.

4. In view of the above submission made by the learned Additional Government Pleader, we are of the view that the ground raised by the petitioner is no longer required for consideration. Therefore, we direct the District Level Vigilance/Scrutiny Committee, Thiruvannamalai constituted by the Government to consider the petitioner's Appeal and take final decision, within a period of six weeks from the date of receipt of a copy of



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this order, after providing necessary opportunity to the petitioner.

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5. With the above direction, this writ petition is disposed. No costs.

(D.K.K.J.)

(P.D.B.J.)

15.06.2023

Internet: Yes/No

Index : Yes/No

mst

To

1. The District Collector,
Thiruvannamalai District.
2. The Revenue Divisional Officer,
Thiruvannamalai, Thiruvannamalai District.
3. The Planning Officer, Tribal Welfare,
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