



W.P.No.17463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2023

Coram:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL

Writ Petition No.17463 of 2023

--

Mathalakshmi @ Latha

.. Petitioner

Vs.

1. The Revenue Divisional Officer,
Dharmapuri,
Dharmapuri District.

2. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.

(The second respondent suo motu impleaded,
vide order dated 15.06.2023 made in
W.P.No.17463 of 2023).

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to consider the application dated 24.04.2023 with assistance of Anthropologist for the issuance of Community Certificate to the petitioner and her son, namely S.Jothiprakash that they belong to Kurichchan (ST) Community.

For petitioner : M/s.S.Doraisamy, V.Elangovan and M.P.Variakannan

For respondents: Mr.E.Vijay Anand, Addl.G.P.

Page No.1/9



W.P.No.17463 of 2023

ORDER

(The Order of the Court was made by D.Krishnakumar, J)

When the Writ Petition is taken up for hearing, learned counsel for the petitioner submitted that the petitioner has filed the instant Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the application dated 24.04.2023, with the assistance of Anthropologist for issuance of Community Certificate to the petitioner and her son, namely S.Jothiprakash that they belong to Kurichchan (ST) Community.

2. It is further contended by the learned counsel for the petitioner that the petitioner belongs to Kurichchan Community, which is notified as a Scheduled Tribe Community. The petitioner had not obtained the Community Certificate till now for the reason that the same is not required. At the time of admission in the School, based on the information, the Community in the School Records had been entered as 'Kurichchan' Community. The petitioner's husband also belongs to Kurichchan Community. Therefore, according to the petitioner, she belongs to Kurichchan Community, which is notified as one of the Scheduled Tribe. Hence, it is the stand of the petitioner that she belongs to the said Community and seeks for issuance of a Community Certificate for herself and for her son for



W.P.No.17463 of 2023

pursuing higher studies based on his NEET examination, which is yet to be written, as he has completed 12th Standard as of now. Hence, the petitioner seeks for issuance of Community Certificate for producing the same at the time of admission to College. The petitioner made an application on 24.04.2023 before the first respondent in that regard, but the same has not yet been considered. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

3. At this stage, this Court pointed out that the said application is pending for more than two months for considering the issuance of Community Certificate. According to the petitioner, there was a direction issued to the Government on the said application recently and the same will be followed for issuance of Community Certificate within a stipulated time that may be fixed by this Court. But despite that, the respondents have not considered the said application within a reasonable time as directed by the Government from time to time and thus, there is an inordinate delay in disposing of the said application without any reason whatsoever.

4. Therefore, we are of the view that, considering the plight of the student (petitioner's son) that he will have to get the Community Certificate from the



W.P.No.17463 of 2023

competent authority so as to enable him to join higher studies and as the petitioner's son and she herself are facing difficulties, necessary action be taken by the respondents as stated below in that regard for early issuance of the Community Certificate

5. It is to be noted that the Supreme Court in the decision reported in 1994 (6) SCC 241 (Kumari Madhuri Patil Vs. Additional Commissioner) and in the subsequent judgments, had issued directions/guidelines to the authorities for issuance of Community Certificate to the eligible candidates.

6. In the above context, the second respondent has filed counter affidavit, dated 23.06.2023 stating as follows:

"8. It is respectfully submitted that, the Adi Dravidar and Tribal Welfare Department has prepared the Draft Manual for the grant of and verification of Community Certificates in conformity with the following:

(a) The guidelines issued in Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Welfare reported in 1994 (6) SCC 241.

(b) The supplemental guidelines issued in G.Venkatasamy Vs. The Chairman, State Level Scrutiny Committee reported in 2016 (1) CTC 647.

(c) The additional guidelines issued in W.P.Nos.17231, 17232, 17495 and 17496 of 2015 (P.Govindrasu and G.Ramasamy Vs. The Revenue Divisional Officer, Harur, Dharmapuri District), dated 22.04.2016.



W.P.No.17463 of 2023

(d) The Directions issued in W.P.Nos.2828 and 5237 of 2022 (E.Karthikeyan and L.Elumalai Vs. The Chairman, Tamil Nadu State Level Scrutiny Committee-III, Chennai), dated 25.11.2022.

(e) The various Government Orders, circulars, letters and clarifications issued by the Government from time to time and is in the process of finalisation.

9. It is respectfully submitted that, the Manual for the issuance and verification of Scheduled Caste/Scheduled Tribes Community Certificate will be issued within July 2023.

10. It is respectfully submitted that in obedience of the directions issued by Hon'ble High Court in W.P.No.13851 of 2022 sensitization courses/trainings have been imparted to all the forty-two Vigilance Cells (authorities nominated by the Government for the verification of social status of the persons who has been granted and/or applied for grant of Community Certificate) at the Tribal Research Centre, Ooty.

11. It is humbly submitted that for the foregoing reasons stated above, this Government have taken necessary measures to frame rules regarding issuance as well as verification of Community Certificate as pronounced in the Kumari Madhuri Patil case."

7. The above statements made in the counter affidavit are hereby recorded.

8. We are of the view that the Government is acting to take necessary steps at the earliest to avoid unnecessary complication in dealing with



W.P.No.17463 of 2023

issuance/verification of Community Certificates, as the case may be, pursuant to the Manual to be issued by the Government as stated in the above counter affidavit and therefore, it is necessary to frame Rules by the Government in compliance with the orders of this Court and the Supreme Court in order to avoid further complication for issuance/verification of Community Certificate and also the students being the persons concerned and their studies will have to be pursued without any delay in getting the seats in the Schools/Colleges/higher studies, etc.

9. Therefore, in the light of the stand taken by the Government in their counter affidavit that they are under the process of issuing a Manual for verification/issuance of Community Certificates, in respect of both Schedule Caste and Scheduled Tribe, which process will be over and Manual issued within July 2023, there will be clarity in dealing with the subject with certain instructions as may be issued by the Government in the above Manual to be issued, which has to be followed strictly by the authority concerned in verification/issuance of Community Certificates. The Government alone is responsible for acting in line with the judgments of the Supreme Court and this Court in framing the Rules/Guidelines on the subject.



W.P.No.17463 of 2023

WEB COPY

10. In the meantime, in the case on hand, it is stated that the first respondent had rejected the representation of the petitioner yesterday and hence, liberty is hereby granted to the petitioner to approach the authority concerned for getting Community Certificate.

11. Hence, as stated by the second respondent in the counter affidavit extracted supra, this Court reiterates that necessary Rules/Guidelines be issued by the Government, as stated by them, and the said Rules shall be framed within a period of six months from today.

12. With the above observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

(D.K.K., J) (P.D.B., J)
28.06.2023

Index: Yes/no
Speaking Order: Yes/no
Neutral Citation: Yes/no
CS

Page No.7/9



W.P.No.17463 of 2023

To

WEB COPY

1. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.
2. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.



WEB COPY



W.P.No.17463 of 2023

D.KRISHNAKUMAR, J

and

P.DHANABAL, J

CS

W.P.No.17463 of 2023

28.06.2023

Page No.9/9