



WEB COPY



W.P.No. 16670 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

and

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No. 16670 of 2020

P. Sudhakar

S/o. Late P.Pandian

... Petitioner

-Vs-

1. The Tamil Nadu State Level Scrutiny Committee (III)
Represented by its Chairman Cum
Additional Secretary to the Govt of Tamilnadu
Adi Dravidar and Tribal Welfare Department
Fort St. George
Chennai-600009.

2. The District Adi Dravidar and Tribal Welfare Officer
Villupuram
Villupuram District.

3. The District Collector
Villupuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to hold a proper enquiry in accordance with law and to issue community certificate to



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the petitioner as Hindu Kattunayaken, a Scheduled Tribe under the Scheduled castes and Scheduled Tribes (Lists) Modification Order 1956.

For Petitioner : Mr.A.Gunaseelan
For Respondents : Mr. E.Vijay Anand
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 herein to hold a proper enquiry in accordance with law and to issue community certificate to the petitioner as Hindu Kattunayaken, a Scheduled Tribe under the Scheduled castes and Scheduled Tribes (Lists) Modification Order 1956.

2.The petitioner's father – P.Pandian had obtained community certificate as Kattunayaken Scheduled Tribe, by the Tahsildar, Tindivanam. Subsequently, he was appointed in the office of the Regional Labour Commissioner (Central) Madras, as Lower Division Clerk and after sometime, his community certificate was sent for verification. After due verification, a rejection order was passed by the 3rd respondent/The District Collector, Villupuram District, cancelling the community certificate issued by the



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Tahsildar, Tindivanam.

3. Aggrieved against the cancellation of community certificate, petitioner's father preferred a Writ Petition in W.P.No.11772 of 1996 and this Court by an order dated 30.09.2004 directed the petitioner's father to approach the District Level Committee for Community Certificate verification, Villupuram District. However, pending enquiry, petitioner's father died on 24.02.2012 and thereafter, the petitioner herein was appointed on compassionate ground as MTS by the Dy. Chief Labour Commissioner (Central), Chennai Region.

4. Since the petitioner's father's original community certificate was surrendered to the District Collector, Villupuram, he had no opportunity to make an application for grant of community certificate. Therefore, his mother pursued the issue of grant of community certificate on his behalf. In the absence of the petitioner's social status details, his school going children are also deprived of benefits under the Scheduled Social Status Category. Hence, he filed the present Writ Petition.



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5.The learned counsel appearing for the petitioner would submit that the grant of community certificate in the name of the petitioner's father is still pending before the concerned authorities viz., the District Collector, District Level Committee for Community Certificate verification, Villupuram District.

6.The learned Additional Government Pleader appearing for the respondents would submit that it would suffice if a direction is issued to the District Level Committee for Community Certificate verification, Villupuram District, to dispose of the proceedings.

7.In view of the submission made by the learned Additional Government Pleader and the fact that this Court in W.P.No.11772 of 1996 dated 30.09.2004 already directed the petitioner to approach the District Level Committee and also the petitioner's father had also appeared for an enquiry on 26.11.2007, this Court directs the District Collector, District Level Committee for Community Certificate verification, Villupuram District / 3rd respondent, to dispose of the proceedings in respect of issuance of community certificate to the petitioner's father – P.Pandian, within a period of eight weeks



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from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs.

(J.N.B., J.) (N.M., J.)
30.08.2023

Jer
Index : Yes/No
Speaking order/Non-speaking order

To
1. The Chairman Cum Additional Secretary to the Govt of Tamilnadu
Tamil Nadu State Level Scrutiny Committee (III)
Adi Dravidar and Tribal Welfare Department
Fort St. George
Chennai-600009.

2. The District Adi Dravidar and Tribal Welfare Officer
Villupuram
Villupuram District.

3. The District Collector
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J.NISHA BANU, J.,
and
N.MALA, J.,
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