



W.P.Nos.20044 and 21475 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

|                        |                   |
|------------------------|-------------------|
| <b>RESERVED ON :</b>   | <b>25.07.2023</b> |
| <b>PRONOUNCED ON :</b> | <b>25.09.2023</b> |

**CORAM :**

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU  
AND  
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.Nos.20044 and 21475 of 2023  
and W.M.P. Nos.19393 & 20851 of 2023**

S.Veerapathran ... Petitioner in W.P.No.20044 of 2023

V.Aksitha ... Petitioner in W.P.No.21475 of 2023

**Vs.**

1.The Revenue Divisional Officer  
Mettur Dam  
Salem District ... Respondent in W.P.No.20044/2023

1.Director General of Health Services  
No.446-A, Nirman Bhawan  
Maulana Azad Road  
New Delhi-110 108

2.The National Medical Commission  
Rep. By its Secretary  
Pocket-14, Sector-8  
Dwaraka Phase-1  
New Delhi-110 077

3.The Selection Committee for MBBS/BDS



W.P.Nos.20044 and 21475 of 2023

Rep. By its Secretary  
Directorate of Medical Education  
Kilpauk  
Chennai-600 010

..Respondents in W.P.No.21475/2023

**PRAYER IN W.P.No.20044 of 2023:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of rejection in Na.Ka.7273-2022-T dated 22.06.2023 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children namely V.Akshaya, V.Aksitha and V.Akshay Senna that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner and his close relative K.K.S.Rajendran which was verified by the State Level Scrutiny Committee in Proceedings No.13957/CV-5/2012-32 dated 07.11.2019.

**PRAYER IN W.P.No.21475 of 2023 :** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to treat the application and permit the petitioner to participate in the 2022-2023 M.B.B.S/B.D.S counseling under ST category and admit the petitioner otherwise she is eligible under government quota or private quota or self finance quota or management quota without insisting upon the production of community certificate and also in the light of the order passed in W.P.No.20044 of 2023 dated 06.07.2023.

For Petitioner

: Mr.S.Doraiswamy



WEB COPY



W.P.Nos.20044 and 21475 of 2023

For Respondents  
in WP.200442/2023 : Mr.E.Vijay Anand, Addl Govt Pleader  
  
in WP.21475/2023 : Mr.K.Subburanga bharathi  
Central Govt Counsel for R1  
Mrs.Shubharanjani Ananth for R2  
Mrs.M.Sneha for R3.

\*\*\*\*\*

### **COMMON ORDER**

**J.NISHA BANU, J. and N.MALA, J.**

The petitioner in W.P.No.20044 of 2023 is the father of petitioner in W.P.No.21475 of 2023. W.P.No.20044 of 2023 is filed praying to quash the order of rejection dated 22.06.2023 passed by the Revenue Divisional Officer, Salem. In the said order, the RDO rejected the application of the petitioner seeking community certificate for his daughter claiming that they belong to Hindu-Kurumans Scheduled Tribe Community.

2. The daughter of the petitioner has passed her +2 examination, and she got NEET marks 433/720. Since she requires community certificate to pursue her higher studies, the petitioner preferred an application to the respondent enclosing all the documents on 05.12.2022. After the rejection of claim for community as



Scheduled Tribe, the petitioner filed WP.No.20044 of 2023. A Division Bench of this court on 06.07.2023, passed the following order:-

*“Mr.K.V.Sajeev Kumar, learned Special Government Pleader takes notice for the respondents and he seeks time to file counter.*

*2. In the meantime, since the petitioner has already been given Scheduled Tribe Community Certificate on 28.07.1988 by the Tahsildar, Mettur declaring him as belonging to Kuruman community, which is one of the Scheduled Tribe community as per G.O.No.1564 dated 30.07.1985 and the said permanent certificate issued to the petitioner since has been in use for all these years, till the disposal of this writ petition, such benefit conferred on the petitioner shall not be interfered with or hindered and based on such benefit, the petitioner can seek for admission or employment opportunity. However, the said benefit, if anything is conferred, based on the said certificate referred to above, is subject to the outcome of this writ petition.”*

3. According to the petitioner-father, he obtained community certificate from Tahsildar, Mettur on 28.07.1988 wherein it is stated that he belongs to Kurumans (ST) community. His school records also recorded that he belongs to Kurumans



W.P.Nos.20044 and 21475 of 2023

(ST) community. His close relatives K.K.S.Rajendran's community certificate was verified by the State Level Scrutiny Committee and found to be genuine. Other close relatives of the petitioner also obtained Kurumans (ST) community certificate from Revenue Divisional Officer, Dharmapuri.

4. The petitioner-father relied on the decision reported in **2005(12) SCC 248 [State of Bihar Vs. Sumit Anand]**, wherein, it is held that if the relatives possess valid community certificate it should be followed while granting a community certificate.

5. The learned counsel for the petitioner also relied on earlier orders passed by Division Bench this court in W.P.Nos.19251 of 2015 dated 01.07.2015 [**D.Ruthiran Vs. The Revenue Divisional Officer, Dharmapuri, Dharmapuri District**], W.P.No.28820 of 2016 dated 18.08.2016 [**V.Jayavani Vs. The Revenue Divisional Officer, Harur, Dharmapuri District**], W.P.No.22990 of 2021 dated 30.11.2022 [**C.Giriprasad Vs. The Revenue Divisional Officer, Harur, Dharmapuri District**] . This court, on various occasions, held as follows:-

*“3. We have been repeatedly observing that a community*



*comprises of the members of the family and also members of the same group or tribe, caste, the children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificates issued in favour of the parents by the competent authority unless the same is set aside or modified by the higher authority i.e., State Level Scrutiny Committee.*

*4. For the reasons stated above, we set aside the order passed by the respondent dated 10/6/2015 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of one week from the date of receipt of the copy of this order.”*

6. This Court and the Hon'ble Supreme Court had repeatedly pointed out that once certificates of close relatives, particularly, parents are available and valid, the children would, automatically, be entitled to such community certificate.

7. In W.P.No.21475 of 2023, this court, taking note of the fact that counseling is going to commence, to safeguard the interest of the petitioner, permitted the petitioner in W.P.No.21475 of 2023 viz., V.Aksitha to participate in



the counseling under the Scheduled Tribe category.

WEB COPY

8. The rejection of community certificate claimed by the petitioner in W.P.20044 of 2023 is on the findings that 'Hindu-Kurumba' is the Most backward community and that the petitioner's (father's) community certificate is referred to State Level Scrutiny committee for necessary action.

9. However, a perusal of the typed set of papers would go to show that one K.K.S.Rajendran, close relative of the petitioner was issued community certificate "Hindu-Kurumans' notifying as "Scheduled Tribe Community" and the said certificate has been confirmed as genuine only by the State Level Scrutiny Committee.

10. It is relevant to note herein that the authority [R.D.O.] has overlooked the fact that the petitioner and his close relatives have been favoured with a certificate that they belong to 'Kurumans' a Scheduled Tribe Community by appropriate authorities and those certificates are valid as of today, but denied the same to the petitioner's children.



11. The Revenue Divisional Officer has only gone into the details of District Census Handbook-Dharmapuri 1971 and the Analysis of community certificate by Mettur Divisional Office and concluded that the petitioner do not belong to a Scheduled Tribe Community. The rejection is based on the fact that the petitioner has been described as 'Hindu-Kurumba' and that it is a Most Backward Community. In this regard, it is pertinent to note that the Division bench of this Court in a Writ Petition in W.P.Nos.25963 and 25964 of 2013 held as follows:

“8.We find much force in the plea made by the petitioners that the competent authority has relied upon the community “Kurumbar” for rejecting the application for Scheduled Tribe community certificate and we once again reiterate that the competent authority is not entitled to refer to the name of “Kurumbar” (MBC) for the purpose of deciding the claim for issuance of Scheduled Tribe Community Certificate. Even assuming that there are certificates issued in favour of one or other persons bearing the name of “Kurumbar” with or without MBC tag, the authority shall independently verify the claim as to



WEB COPY



W.P.Nos.20044 and 21475 of 2023

whether the petitioner falls under the Scheduled Tribe community on the basis of relevant materials that would be submitted by the petitioner in the relevant case and also shall follow the procedures prescribed in G.O. Ms. No.106 dated 15.10.2012. The Director of Adi Dravidar and Tribal Welfare Department is directed to inform all the competent authorities to cease and desist from referring to the name of the community as “Kurumbar” (allegedly said to be MBC) for the purpose of deciding any claim whatsoever.”

12. It is further seen that the Government vide letter dated 18.03.2014 of the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, Chennai – 9 addressed to All the District Collectors, instructed them to refrain from issuing community certificates as “Kurumbar” and to take necessary action for recalling the certificates already issued as “Kurumbar” and rectify the same. Therefore, the basis of the rejection order is against the respondents own letter dated 18.03.2014.



13. It is seen that the petitioners enclosed the community certificate issued to the petitioner's father dated 28.07.1988 and the community certificate of the petitioner's uncle K.K.S.Rajendran verified by the State Level Scrutiny Committee and found to be genuine vide proceedings No.13957/CV-5/2012-32 dated 07.11.2019. The petitioners also filed the community certificate of their close relatives Pramod Kumar and S.Pradeep Kumar. In spite of the aforesaid documents, the Revenue Divisional Officer rejected the petitioners claim. The other members of the petitioner's father's family were issued with the community certificate as Hindu-Kurumba, Most Backward Community, which according to the Hon'ble Division Bench Judgment could not have been given as there was no community as “Kurumba” either in the Scheduled Caste, Scheduled Tribes, or in the Other Backward Classes category.

14. On an overall appreciation of the contentions raised and on going through the impugned order, we find that the impugned order is unsustainable for all the reasons stated above. Consequently, the order passed by the Revenue Divisional Officer dated 22.06.2023 is set aside. The Revenue Divisional Officer, Mettur Dam, Salem District, respondent in W.P.No.20044 of 2023 is directed to



W.P.Nos.20044 and 21475 of 2023

issue community certificate to the petitioner's children viz., V.Akshaya, V.Aksitha and V.Akshay Senna certifying that they belong to 'Kurumans', a Scheduled Tribe community. Such certificates shall be issued within a period of four weeks from the date of receipt of a copy of this order. The Writ Petitions are allowed. No costs. Consequently connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)  
25.09.2023

nvsri

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Neutral citation : Yes/No

To:

1.The Revenue Divisional Officer  
Mettur Dam  
Salem District

2.Director General of Health Services  
No.446-A, Nirman Bhawan  
Maulana Azad Road  
New Delhi-110 108



WEB COPY



W.P.Nos.20044 and 21475 of 2023

**J.NISHA BANU, J.,**  
**and**  
**N.MALA, J.,**  
nvsri

- 3.The Secretary  
National Medical Commission  
Pocket-14, Sector-8  
Dwaraka Phase-1  
New Delhi-110 077
- 4.The Secretary  
Selection Committee for MBBS/BDS  
Directorate of Medical Education  
Kilpauk, Chennai-600 010

**W.P.Nos.20044 and 21475 of 2023**

Dated:  
**25.09.2023**