



W.P. No.20809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:13.07.2023

Coram:

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

**W.P. No.20809 of 2023
and W.M.P. No. 20183 of 2023**

K. Sivakumar

... Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the online rejection order in application numbers in TN-5202306072977 (S. Guruprasath) and TN-5202306073616 (S.Gowtham) dated NIL quash the same and direct the respondent to issue community certificate to the petitioner's children S. Guruprasath and S.Gowtham that they belong to Kurumans (ST) Community based upon the community certificate of the petitioner's own sister K. Ilaiyarani and brother K.Shanmugavel which was confirmed as genuine by the state level scrutiny committee in proceedings No.11950/CVIII/2008 dated 09.06.2014.

For Petitioner	:	Mr. S. Doraiswamy
For Respondent	:	Mr. E. Vijayanand Special Government Pleader



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ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

This petition has been filed against the rejection of the request of the petitioner for grant of community certificate, certifying that his children belongs to Kurumans, a Scheduled Tribe Community.

2. The petitioner is an agricultural coolie and studied upto 3rd standard. He belongs to "Kurumans Community" which is classified as Scheduled Tribe Community, but he did not obtain any community certificate, since it was not required at that time. He relied upon the Certificate that was granted to his own brother K.Shanmugavel and Sister K.Ilaiyarani issued by the Revenue Divisional Officer, Dharmapuri on 23.07.1996. Moreover, his brother K.Shanmugavel's community certificate was referred to the State Level Caste Scrutiny Committee by his employer for verification of its genuineness. The State Level Committee after due enquiry gave its finding on 09.06.2014 that his brother belongs to Kurumans (ST) Community and his certificate dated 23.07.1996 is genuine.



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3. It is the case of the petitioner that he had made an online application to issue community certificate to his children on 07.06.2023 and the same was rejected stating that he had not enclosed parental community proof. Challenging the same, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner submits that the petitioner's own brother was issued with a community certificate dated 23.07.1996 mentioning as “Kurumans” and the same is not cancelled till date. Therefore, petitioner's children are entitled to get community certificate on the basis of the certificate already issued by the Revenue Divisional Officer, Dharmapuri.

5. Mr.E.Vijay Anand, learned Special Government Pleader, appearing on behalf of the respondent, on instructions, would submit that the petitioner may be directed to furnish necessary documents before the respondent and further, the respondent may be directed to consider the petitioner's online application and pass orders afresh.



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6. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondent and perused the materials available on record.

7. This Court is of the view that once the State Level Scrutiny Committee has affirmed the certificate of the petitioner's brother, the authorities, who are vested with the duty of issuing Community Certificate under the relevant Government orders are bound to follow the same, they cannot take a different view.

8. We have been repeatedly observing that a community comprises the members of the family and also, members of the same group or tribe or caste and that the children derive their community from their parents and members of the family. If they have been given community certificate, their children, are entitled to the said certificate without any further verification. The respondent has no authority to doubt the certificate issued to the petitioner's brother by the competent authority, unless the same



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is set aside or modified by the higher authority, i.e., State Level Scrutiny Committee. Further, it is for the authorities to examine the relationship.

When the community certificate issued in favour of the petitioner's brother has been verified and approved by the State Level Scrutiny Committee, it is not open to the competent authority to question the same and take a contrary view dis-crediting the view taken by the State Level Scrutiny Committee, which is tantamount to overriding the authority of the State Level Scrutiny Committee.

9. Considering the fact that the Certificate of the petitioner's brother had been verified by the State Level Scrutiny Committee and has been certified to be genuine, the Revenue Divisional Officer, Dharmapuri the original Authority has no discretion but to issue a Certificate in favour of the petitioner's children.

10. In view of the above, the Revenue Divisional Officer, Dharmapuri is directed to issue a Certificate to the effect that the petitioner and his children belong to the Scheduled Tribe Community of Kurumans



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within a period of four weeks from the date of receipt of a copy of this order.

11. The Writ Petition is disposed of with the above directions.

No costs. Consequently connected miscellaneous petition is closed.

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

13.07.2023

Index:Yes/No
Internet:Yes/No
Speaking Order: Yes/No
msv

To

The Revenue Divisional Officer
Dharmapuri
Dharmapuri District.



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

msv

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