



W.P.No.22647 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No.22647 of 2021
and W.M.P.No.18390 of 2021

D.M.Rajaselvi
Petitioner

...

Vs.

1. The Chairman and Principal Secretary
The Tamil Nadu State Level Scrutiny Committee, Adi Dravidar and Tribal
Welfare Department, Secretariat, Chennai 9
2. The Member Secretary /
Deputy Conservator of Forests, State Level Scrutiny Committee - II, Adi
Dravidar and Tribal Welfare Department, Secretariat, Chennai 9
3. The Member,
State Level Scrutiny Committee - II / Anthropologist, Department of
Anthropology, University of Madras, Chennai 5

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records of the respondents and quash the impugned order dated 7.11.2019 vide Proceedings No. 2156/ CV-2 (1)/ 2018-14 on the file of the respondents as the same is perverse,

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arbitrary, biased, illegal, untenable, smacks of malafide and colourable exercise of power and consequentially direct the respondents to reconsider the petitioners Appeal representation dated 29.1.2018 thereby disguising and recognizing the petitioner as she belong to KONDA REDDY Community which is classified under the Schedule Tribe Community maintained by the State and pass suitable direction to issue the petitioner Schedule Tribe Community Certificate specifying Konda Reddy Community by the appropriate Taluk

For Petitioner : Mr.S.L.Sudarsanam
For Respondents : Mr.T.Sampath Kumar
Government Advocate

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

Challenging the proceedings No.2156/CV-2(1)/2018-14 dated 07.11.2019 passed by the 1st respondent, the petitioner has filed the present Writ Petition.

2.According to the petitioner, she belongs to Hindu 'Konda Reddy' community, which is classified as Scheduled Tribe community. Her father, viz., D.Meenachisundaram, who was an employee of the Revenue Department (District Supply Office), Tirunelveli District obtained Scheduled Tribe (ST)



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community certificate dated 01.10.1980, from the RDO cum Sub-Collector, Tirunelveli District. The petitioner approached the Revenue authorities to obtain Scheduled Tribe community certificate, whereas, the Tahsildar, Kovilpatti, vide his proceedings dated 08.03.2008, rejected her claim and certified that the petitioner belongs to Hindu Reddy Kanjam-BC community.

3. Aggrieved by the said rejection order, the petitioner filed W.P.(MD).No.15291 of 2013 before the Madurai Bench of this Court and by an order dated 02.07.2015, the Madurai Bench of this Court directed her to file an Appeal before the District Collector, Thoothukudi. In compliance of the said order, the petitioner filed an Appeal on 10.08.2015 before the District Collector, Thoothukudi and the District Collector passed an order dated 05.01.2018 in Na.Ka.Aa.Na.2/26766/2016, thereby, rejecting the petitioner's Appeal seeking grant of Community Certificate. Pursuant thereto, the petitioner preferred an Appeal before the respondents herein on 29.01.2018. The said appeal also rejected the claim of the petitioner, vide the order impugned in this Writ Petition.

4. Heard the learned counsel for the petitioner and the learned



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Government Advocate appearing for the respondents.

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5.It is stated by the learned counsel for the petitioner that the petitioner's father has been issued with the community certificate, as early as in the year 1980. The community certificate issued to the petitioner's father that he belongs to Konda Reddy community (Scheduled Tribe) is valid and it is still in force. Therefore, the petitioner is also entitled for issuance of the said community certificate.

6.At this juncture, it would be apt and appropriate to refer to the judgment of the Hon'ble Supreme Court reported in **2005(12) SCC 248 (State of Bihar & others v. Sumit Anand)** wherein the Hon'ble Supreme Court at paragraph No.6 had held as follows:

"6. We have perused the findings recorded by the Division Bench as well as the Single Judge of the High Court. In view of the fact that the respondent's father, grandfather, mother and maternal uncle had all been granted the certificate certifying that they belong to the "Gond" community, we see no reason to come to a conclusion other than the one arrived at by the High Court to the effect that the respondent was entitled to issuance of the caste



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certificate."

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7. Admittedly, the petitioner's father was issued with "Konda Reddy" community certificate on 01.10.1980 and the community certificate issued to him is valid and it is not cancelled. Hence, the petitioner is also entitled for issuance of "Konda Reddy" community certificate.

8. It is unfortunate to note that the rejection order has been passed without considering the community certificates produced by the petitioner. 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.

9. In view of the above, rejection order dated 07.11.2019 passed by the respondents is hereby set aside and the concerned Revenue Divisional Officer is directed to issue a community certificate to the effect that the petitioner belongs to Scheduled Tribe Community of Kondareddis within a period of

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eight(8) weeks from the date of receipt of a copy of this order.

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10.Accordingly, this Writ Petition is allowed. No costs.

(J.N.B.,J.) (N.M.,J.)
17.10.2023

Index : Yes / No
Speaking Order : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
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To

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and
N.MALA,J.

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