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W.P.No.22145 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2023

CORAM

THE HONOURABLE Mrs.JUSTICE J.NISHA BANU

and

THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.22145 of 2023

and

W.M.P.Nos.21545 of 2023

R.Priyadharshini

...Petitioner

vs

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,
rep. by its Secretary,
Directorate of Medical Education,
Kilpauk,
Chennai - 600 010.
4. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

.... Respondents



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WEB COPY Writ Petition filed under Article 226 of the Constitution to issue a Writ of Mandamus to direct the 4th respondent to issue community certificate to the petitioner and her sister R.Keerthana, brother R.Pratheesh that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner's father's own brother K.Kumar which was confirmed by the State Level Scrutiny Committee in Proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.

For Petitioners : Mr.S.Doraiswamy
For Respondents : Mrs.A.Anuradha for R1
Mrs.Subaranjani Anand for R2
Mrs.Snehan for R3
Mr.E.Vijayanand,
Additional Government Pleader for R4

ORDER

This writ petition has been filed to direct the 4th respondent to issue community certificate to the petitioner and her sister R.Keerthana, brother R.Pratheesh that they belong to Kurumans (ST) community based upon the community certificate already issued to the petitioner's father's own brother K.Kumar which was confirmed by the State Level Scrutiny Committee in Proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.

2. i) The case of the petitioner is that she belongs to Kurumans (ST)



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community which is classified as Scheduled Tribe community. Her father Ramesh studied upto 10th standard. In her school records and her father's school records, their community is mentioned as Kurumans (ST) community. Her father's own brother K.Kumar, his wife and their children obtained community certificate from the 4th respondent that they belong to Kurumans (ST) community. Her father Ramesh met with an accident in January 2016 resulted in severe head injury and he is mentally ill. Her father's own brother K.Kumar is taking care of them. Since the petitioner's father is mentally ill, her father's own brother K.Kumar preferred an application to the 4th respondent on 28.10.2020 requesting to issue community certificate to the petitioner, her sister and her brother. However, the 4th respondent informed that the community certificate of K.Kumar was sent to the State Level Scrutiny Committee for verification and after receipt of the report from the State Level Scrutiny Committee, the community certificate will be issued to the petitioner, her sister and brother. Thereafter, K.Kumar made representation to State Committee on 03.03.2021 and 13.09.2021 requesting to proceed with the enquiry regarding genuineness of social status and verification of Kurumans (ST) community certificate of Kumar, his wife P.Muniyammal and his children viz., K.Logith,



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K.Rishikesh issued by the Revenue Divisional Officer, Dharmapuri dated 10.08.2015. Since no order was passed, the petitioner's father's own brother, Kumar filed a writ petition in W.P.No.12086 of 2022 and this Court, after hearing both sides, directed the 1st and 2nd respondents therein to complete the enquiry and pass orders on merits within eight weeks from the date of receipt of a copy of the said order. Thereafter, the State Level Scrutiny Committee, after examination of all reports and documents, found that the community certificate issued to the petitioner's father's own brother K.Kumar is genuine vide proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.

ii) Based on the above order, the petitioner's father own brother, K.Kumar preferred an application to the 4th respondent requesting to issue community certificate to the petitioner, her brother and sister. However, no certificate was issued by the 4th respondent till date. In the meanwhile, the petitioner completed Plus Two examination and scored 526 out of 600 marks and scored 259 out of 720 marks in NEET exam. She preferred an application for admission to M.B.B.S course under ST category. The 3rd respondent released the M.B.B.S. rank list, in which, the petitioner 's name was found place in OC category. Because of the delay caused by the



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revenue authorities, she could not enclose the community certificate. Hence, the present writ petition.

3. When the matter was taken up on 28.07.2023, this Court permitted the petitioner to participate in 2023-2024, M.B.B.S./B.D.S counseling under the Scheduled Tribe (ST) category and also directed that the provisional admission of the petitioner, if any, will be subject to the final orders to be passed in this writ petition.

4. Today, when the matter is taken up, learned counsel for the petitioner would state that his application for issuance of community certificate was rejected. He has also produced the rejection order dated 14.08.2023 passed by the 4th respondent.

5. It is unfortunate to note that the rejection order has been passed since the petitioner has not produced the community certificate of her parents. The petitioner has made online application along with the community certificate of her father's own brother. Since the petitioner's father met with an accident and is mentally ill, herself and her brother and sister are taken care of by her father's own brother, K.Kumar. Without considering the documents produced by the petitioner, the authority has passed the order of rejection. The community certificate of her father's own



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brother, K.Kumar has also been verified by the State Level Scrutiny Committee and proved to be genuine. In similar circumstances, this Court in W.P.No.20809 of 2023 dated 13.07.2023 has passed an order directing the Revenue Divisional Officer to issue certificate to the effect that the petitioner therein and his children belong to Scheduled Tribe Community of Kurumans.

6. 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. In the present case, as the petitioner's father is mentally ill and she was brought up by her father's own brother, K.Kumar, who has been issued with the certificate that he belongs to Scheduled Tribe Community of Kurumans, the authorities cannot take a different view and reject the petitioner's application. Further, it is for the authorities to examine their relationship and issue community certificate.

7. Considering the fact that the Certificate of the petitioner's father own brother, K.Kumar had been verified by the State Level Scrutiny



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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, her brother and sister.

8. In view of the above, the 4th respondent, the Revenue Divisional Officer, Dharmapuri, is directed to issue a Certificate to the effect that the petitioner, her sister R.Keerthana, her brother R.Pratheesh belong to Scheduled Tribal Community of Kurumans within a period of two weeks from the date of receipt of a copy of this order.

9. 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.)
17.08.2023

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

Note: Issue order copy on 22.08.023.



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

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