



W.P.No.27067 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.27067 of 2023
and
W.M.P.No.26511 of 2023

S.Engobar

.... Petitioner

vs

The Revenue Divisional Officer,
Thiruvannamalai District.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 13.06.2023 made in application No.TN-52023053111563, Transaction Reference No.13306071527408 on the file of the respondent and to quash the same and consequently direct the respondent to issue community certificate to the petitioner as "Hindu Malaikkuravan schedule Tribe Community" on the basis of community certificates issued to



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Thalapathi, Prathap, Thavasi and Sangeetha by the respondent vide Certificate

Nos.365717, 365718, 365712 and 365710 dated 10.10.2014.

For Petitioner : Mr.N.Naganathan

For Respondent : Mr.E.Vijayanand
Additional Government Pleader

ORDER

(Order of the Court was made by N.MALA, J.,)

This Writ Petition has been filed challenging the order dated 13.06.2023 made in application No.TN-52023053111563, Transaction Reference No.13306071527408 on the file of the respondent and consequently direct the respondent to issue community certificate to the petitioner as "Hindu Malaikkuravan Schedule Tribe Community" on the basis of community certificates issued to Thalapathi, Prathap, Thavasi and Sangeetha by the respondent vide Certificate Nos.365717, 365718, 365712 and 365710 dated 10.10.2014.

2. The writ petitioner belongs to 'Malaikkuravan Community' which is classified as Scheduled Tribe community. The petitioner's parents are uneducated persons and hence, have no knowledge of the procedure regarding the community certificates. The petitioner's grandfather had four sons viz.,



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Manikkam, Chinnu, Krishnan and Subburayan. The petitioner's father's elder brother namely Krishnan's grand children Thalapathi, Prathap, Thavasi and Sangeetha were issued ST community certificate by the respondent vide Certificate Nos.365717, 365718, 365712 and 365710 dated 10.10.2014 respectively. The petitioner's father's other brother namely Chinnu's grandchildren Munusamy and his children viz., Kamalish and Vetri were also issued Online ST community certificate by the RDO, Chennai, Madhavaram Taluk on 14.02.2023 respectively. The petitioner's mother's own sister namely Mrs.Senji's son namely Arul Kumar obtained a Malaikkuravan ST community certificate from the Tahsildar, Chengam vide O.A.No.783/86 dated 09.07.1986 and his children namely Ashok Kumar, Jegadeeswari and Gowtham Kumar were also issued community certificate by the respondent vide Certificate Nos.365694, 365696 and 365695 dated 10.10.2014 respectively. The said certificates were issued after due enquiry. The petitioner's online application on 31.05.2023 vide application NoTN-52023053111563 for issuance of community certificate was rejected citing the mechanical reason that the blood relatives had not obtained community certificate from Thiruvannamalai District. Therefore, the petitioner applied manually on 31.07.2023 which was received by the respondent but the same



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was also rejected without following the Court's order and circular issued by the Government. According to the petitioner, as the certificates obtained by the petitioner's close relatives were not cancelled and they continue to be in force till date, there was no justification for rejecting the petitioner's application. Hence, the present writ petition for the aforesaid relief.

3. At the time of hearing, the learned counsel for the petitioner submitted that the Government introduced the online application for issuance of community certificate vide G.O.MsNo.524 dated 14.10.2010 and therefore, the petitioner applied online for issuance of community certificate. Learned counsel submitted that the respondent, while rejecting the community certificate ought to have conducted an enquiry and given the petitioner an opportunity to produce the documents and establish his claim for issuance of community certificate. Learned counsel further submitted that the respondent erred in rejecting the application overlooking the certificate issued to his close relatives viz., father's brother's grandchildren and his mother's own sister Mrs.Senji's children. Learned counsel relied on the judgment of the Hon'ble Supreme Court in *State of Bihar Vs Sumit Anand 2005(12) SCC 248* and the judgment of the Division Bench of this Court in *W.P.No.19251 of 2015*



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(D.Ruthiran v. The Revenue Divisional Officer, Dharmapuri) in support of

his contention that the respondent ought to have issued the community certificate to him on the basis of the community certificates issued to his father's brothers grandchildren and his mother's own sister Mrs.Senji's children.

4. Learned Additional Government Pleader appearing for the respondents submitted that the Government had issued a Manual laying down the procedure for issuance of Scheduled Caste and Scheduled Tribes Certificates. As per the procedure laid down by the Government, the Application for issuance of community certificate could be made in two ways. One, the Traditional/ Manual method and the other Online Method/ through Web based services (vide G.O.Ms.No.524 dated 14.10.2010). Learned counsel for the respondent submitted that as the petitioner had submitted his application online, the respondent rejected the same after following the procedures contemplated for consideration of the certificates made Online. Learned counsel further submitted that the respondent having followed the procedure strictly, the rejection of the petitioner's application could not be faulted with.



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5. Learned counsel for the petitioner submitted that though the procedure for submission of application may be different while considering the application, particularly, when the same is rejected, the procedure provided for Tradition/Manual Method has to be followed. Learned counsel further submitted that there could not be two procedures particularly while rejecting the community certificate.

6. We have heard both the counsels and we have perused the materials available on record.

7. In the Manual for verification of community certificate published by the Government, Clause 3.9 lays down the procedure for issuance of Scheduled Caste/Scheduled Tribe community certificate. For better appreciation of the case, the procedure under Clause 3.9 of the Manual on Scheduled Castes/ Scheduled Tribes Community Certificates-Issuance and Verification, is extracted as follows:

3.9. Procedure for Issuance of Scheduled Caste/Scheduled Tribe Certificates.-

A. Traditional/Manual Method. -



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- (1) *The application for grant of social status certificate shall be made to the Tahsildars (in case of Scheduled Castes) and Revenue Divisional Officers/Sub-Collectors/Assistant Collectors/Personal Assistant (General) to Collector of Chennai (in case of Scheduled Tribes).*
- (2) *The authority competent to issue the community certificate, on receipt of the application, shall investigate the application in an open and transparent fashion, affording opportunity of hearing.*
- (3) *On receipt of the application from the candidate, the competent Revenue officer authorized for issuing Scheduled Caste and Scheduled Tribe Community Certificates shall himself visit the candidate's local place of residence and make enquiries with the candidates; his parent/guardian; blood relatives; local residents (tribes and non-tribes); such other person who have knowledge of the social status of the candidate, local revenue officers such as VAO, Ri; etc., in an open and transparent fashion.*
- (4) *On completion of due inquiry and proper verification of records/documents collected during the field enquiry, the above authority has the following three options for disposal of such applications:-*
 - i. *The competent authority (RDO/Tahsildar) can issue the certificate applied for, if he is fully satisfied.*
 - ii. *If it is found after due inquiry that the request is not*



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feasible of compliance, the competent authority can reject it and issue a speaking order to the applicant and close the papers.

iii. If the application is submitted with insufficient details or if it is found that additional details are required after inquiry, the authority can direct the applicant to renew the request with full details in a complete shape and close the papers.

(5) In the cases, where the issuing authority is fully satisfied that the claim of the candidate or parent or guardian, as the case may be, that he belong to that community is correct, the above authority shall issue the permanent Community Certificate card to the candidate concerned.

(6) The competent authority while issuing community certificate, should consider the Scheduled Tribe community issued in favour of the parents and close relatives of the applicants, subject to verification of the relationship and until the above Scrutiny Committee, the competent authority should accept the same and issue Scheduled Tribe Community Certificate to the applicants.

8. As far as the procedure for Online Method/ through web based services is concerned, the procedure is as follows:

B. Online Method/through Web based services.



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(G.O. (Ms) No.524, Revenue (RA2(2) Department, dated 14.10.2010 and Tamil Nadu e-District Application Training Manual)

- (1) The application may be submitted online in the prescribed format. To begin with the citizen's identity details (Citizen Registration) are entered either directly in the prescribed format (online) or through the People's Computer Centres (மக்கள்கணினிமையம்) or Browsing Centres or any other source. (A People's Computer Centres operator can log in to the e-District Application using the User ID and Password).*
- (2) On submission of the citizen's identity details, the citizen is provided with the Citizen Account Number (CAN) online consisting of 13 digits. This Citizen Account Number must be repeated by the citizen in future as it will save time in filling up data time and again.*
- (3) The People's Computer Centre may collect nominal charges for the services rendered.*
- (4) Once the online application is filled up and submitted along with the required documents being scanned and attached, it will be sent online to the Village Administrative Officer/Revenue Inspector (VAO/RI). An unique Application ID will be generated and acknowledgement will be issued to the applicant by the People's Computer Centres (மக்கள்கணினிமையம்) operator.*



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(Each Village Administrative Officer/ Revenue Inspector (VAO/RI) will be provided with a User ID and Password). The hard copy of the application along with the required attachments will be handed over to the VAO by the People's Computer Centres (மக்கள்கணினிமையம்) staff and an acknowledgment will be collected from the VAO by the People's Computer Centres (மக்கள்கணினிமையம்) staff.

(5) The VAO/RI will ascertain the genuineness of the request, as is done traditionally as to whether a certificate can be issued. (A print out may be taken found necessary). After the application is recommended/not recommended by the VAO, the application is forwarded to the RI to review the same (This is done online). On being recommended / not recommended by the RI, the application is forwarded to the Zonal Deputy Tahsildar (online).

(6) The Zonal Deputy Tahsildar can see the details of the application and then will review the details entered by the VAO/RI. On being satisfied with the information, he will then issue the certificate with his digital signature being affixed on the certificate. He also reserves the right to reject the application in which case the rejection is also done digitally.

(7) For other certificates the Zonal Deputy Tahsildar will mark the application Recommended/not recommended along with his comments and forward it to Revenue



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Divisional Officer.

- (8) Revenue Divisional Officer can view the details of the application and will go through the comments entered by VAO/RI/ZDT/Tahsildar in case of Community Certificate (ST) and on being satisfied with the information, he will approve the application and then issue the certificate with his digital signature being affixed on the certificate. He also reserves the right to reject the application in which case the rejection is also done digitally.*
- (9) As the digital signature is unique to every officer, it does not require a manual signature and is valid by itself.*
- (10) To receive a printed copy, the Applicant CSO Operator should log in to the e-District Application, type the CAN (Citizen Account Number) and retrieve the digitally signed document. This may then be printed out. This Certificate is legally valid (without any manual signature) due to the presence of the digital signature and has the same value as a manually signed certificate.*
- (11) Those who wish to have manually signed certificates in addition to digitally signed certificate shall be provided the same by the authorities concerned on request.*
- (12) At any point of time, the citizen may use his CAN (Citizen Account Number) to track the status of the request of his Certificate.*
- (13) The mobile number of the Applicant (if filled up on the*



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application) will enable a SMS alert indicating the status of the request.

(14)Tahsildar can review the comment of VAO/RI instantly. He can approve/disapprove the application. For approved application digital signature will be used while issuing the certificate.

(15)In case of negative remarks by RI/VAO the Tahsildar reserves the right of rejecting/approving the application. This is also performed digitally.

(16)In case citizen does not request signed copy, digitally signed certificate is generated by the Tahsildar.

(17)In the case of signed copy, citizen collects certificate from the Taluk Office.

(18)In the case of digitally signed certificate, people's computer centre operator downloads the certificate and prints it.

(19)Citizen provides acknowledgment for receiving the certificate.

9. From a reading of the two procedures, it is seen that in the procedure for Traditional/Manual method, while considering and disposing the application, three options are given to the authority. Option (1) The competent authority shall issue the certificate applied for, if satisfied. Option (2) If the



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authority finds that the request is not feasible, reject the same by issuing a speaking order. Option (3) If the application is filed with insufficient details, the authority can direct the applicant to renew the request with full details and in a complete shape.

10. In the procedure contemplated for the online method, it is seen that there is no provision for passing a speaking order and in case of insufficient details, to direct the applicant to renew the request with full details and in a complete shape. As the online /web-based services do not require a speaking order while rejecting the request for community certificate, the respondent reject the application in a mechanical manner without citing any reasons which in our view is violative of the principles of natural justice. In the absence of a speaking order, people are forced to approach this Court resulting in unnecessary litigations, expenditure and hassle. On a comparison of two methods, it is seen that persons applying online are deprived of an opportunity to renew the application with complete details and in full shape. The case on hand is a classic example of the discriminatory procedure adopted under online web service method. In the present case, reason for rejection is that "*the petitioner blood relative has not obtained certificate*



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from Thiruvannamalai District. Hence, lineage and Enquiry of relatives could not be done. Blood relatives community certificate and the applicant's relationship not explained in proper manner." In our view, the failure of the respondent to give an opportunity to the petitioner to produce the community certificate of close relatives and to explain his relationship with the blood relatives who were issued with community certificate before rejecting the application deprived the petitioner of an opportunity to produce the same before the authority which is otherwise, available to persons applying manually. In our view, if the procedure contemplated in manual method is adopted even for online/ web service method, then litigations can be avoided. We have referred to the procedures contemplated under the two aforesaid methods to drive home the point that even while considering the applications online, the respondents should adopt the procedure given for disposal of applications under Manual Method, particularly, in the case of rejection of application, just to ensure that the applicants are not forced to spend their hard earned money on avoidable litigation.

11. We, therefore, set aside the rejection order dated 13.06.2023 made in Application No.TN-52023053111563, Transaction Reference



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No.13306071527408 of the respondent and direct the respondent to consider the petitioner's application by giving him an opportunity to produce the certificates of the petitioner's close relatives and any other document that would support the petitioner's claim. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

13. 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.)
21.09.2023

vsi

Index : Yes / No

Internet : Yes / No

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To

The Revenue Divisional Officer,
Thiruvannamalai District.



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