



W.P.No.27933 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM

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

W.P.Nos.27933 of 2023
and
W.M.P.No. 27436 & 27437 of 2023

1. N.R.Mahizhan,
S/o N.G.Ramalingam

2. V.Navaneetha,
W/o N.G.Ramalingam

... Petitioners

vs

1. The District Collector and
Chairman, District Level Vigilance Committee,
Salem District, Salem.

2. The Sub-Collector,
Mettur Dam,
Salem District.

3. The State Level Scrutiny Committee,
Rep. by its Chairman,
Additional Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to issue permanent community certificate to the petitioners viz., N.R.Mahizhan and V.Navaneetha to the effect that they belong to the Konda Reddy Community (Schedule Tribe) on the basis of the community certificate issued to the N.G.Ramalingam vide community certificate dated 12.09.1978.

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Naganathan

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader

COMMON ORDER

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

The above writ petition has been filed to issue a Writ of Mandamus to direct the respondents to issue permanent community certificate to the petitioners viz., N.R.Mahizhan and V.Navaneetha to the effect that they belong to the Konda Reddy Community (Schedule Tribe) on the basis of the community certificate issued to the N.G.Ramalingam vide community certificate dated 12.09.1978.

2. (i) It is brought to the notice of this Court that in the writ petition filed by the petitioners, in the earlier round of litigation, this Court had passed a common order dated 02.08.2019 in W.P.Nos.7979 of 2019 etc. batch, in which, at paragraph Nos.8 & 9, it has been held as follows:



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“8. Therefore, in all these Writ Petitions, we are of the opinion that in the absence of cancellation of the community certificate of the fathers, it is not open for the respondent (s) to reject the application for issuance of the Community Certificate for the children. Hence, the children are entitled for issuance of Community Certificates.

9. Accordingly, this Court directs the respondents to issue provisional community certificates to the petitioners' children or the petitioner(s) being children, as the case may be, by making an endorsement on the same that as per the directions of this Court the said community Certificate is/are being issued, subject to the verification of the genuineness of the same by the State Level Scrutiny Committee. After the conformity of the genuineness of the said Community Certificates by the State Level Scrutiny Committee, the respondents(s) shall issue permanent Community Certificates to the petitioners' children or the petitioner(s) being the children, as the case may be.”

(ii) Since the community certificates were not issued to the petitioners therein, some of the petitioners moved Contempt Petitions separately and in the contempt petition filed by one C.Govindararaju in Cont.P.No.753/2020, at paragraph No.7, the Division Bench has passed an order dated 23.08.2022 as follows:



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7. In such view of the matter, the State Level Scrutiny Committee of Tamil Nadu, Represented by its Chairman, Adi-Dravidar and tribal Welfare Department, Fort St.George, Chennai - 600 009 is, suo motu, impleaded as a party respondent in the contempt petition and a direction is issued to the State Level Scrutiny Committee of Tamil Nadu, to conduct the enquiry on day to day basis, without adjourning the matter beyond seven working days at any point of time and it is further directed to conclude the enquiry, within a period of six months from the date of receipt of a copy of this order. In the meantime, the respondents are directed to issue provisional community certificate with an endorsement that the provisional certificate is only valid for a period of one year and cannot be used either for seeking an employment or for reservation in education or for any other purpose and will be scrutinized by the State Level Scrutiny Committee of the Tamil Nadu.

(iii) Subsequently, as against the order passed in the contempt petitions, the matter went up to the Hon'ble Supreme Court by way of Special Leave Petition in SLP(Civil) Diary No.42018/2022, in which, the Hon'ble Supreme Court has observed as follows:

“In terms of the impugned order, a period of one year to conclude the proceedings by the concerned department. If



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at all, the petitioner is aggrieved by non-conclusion of those proceedings, he would have to move the High Court and not this Court by filing special leave petition before us.”

3. Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents.

4. It is stated by the learned counsel for the petitioners that the 1st petitioner's father who is the 2nd petitioner's husband has been issued with the community certificate as early as in the year 1978 and as per *Madhuri Patel's* case, the certificate issued before 1995, cannot be reopened. The community certificates issued to the 1st petitioner's father that he belong to Konda Reddy community (Scheduled Tribe) is not cancelled and it is still in force. Therefore, the petitioners are also entitled to the issuance of the said community certificate.

5. 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,



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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 certificate."

6. Admittedly, the 1st petitioner's father, who is the husband of 2nd petitioner, was issued with "Konda Reddy" community certificate on 06.03.1979 and the community certificate issued to him is valid and it was not cancelled. Hence, the petitioners are also entitled to issuance of "Konda Reddy" community certificate.

7. In the view of the above, the respondents are directed to issue community certificate to the petitioners, viz., N.R.Mahizhan and V.Navaneetha, to the effect that they belong to Konda Reddy Community (Schedule Tribe) within a period of four weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition are closed.

(J.N.B.,J.) (N.M.,J.)
22.09.2023

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



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WEB COPY

To

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Salem District, Salem.
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3. The State Level Scrutiny Committee,
rep. by its Chairman,
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and
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