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W.P.No. 27602 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 27602 of 2023

and W.M.P.No.27056 of 2023

1.K.Kumar

2.K.Suresh

3. K.Sabariswari

4. Minor S.Yazhini

Rep. By his father and Natural Guardian

K.Suresh

5.S.Thangesh

Rep. By his father and Natural Guardian

K.Suresh

6.K.Inbarasu,

Rep. By his mother and Natural Guardian

K.Sabariswari

7. K.Mythra

Rep. By his mother and Natural Guardian

K.Sabariswari

..Petitioners

Vs.

Page No:1/8



W.P.No. 27602 of 2023

The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.

..Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to issue community certificate to the petitioners 2 to 7 that they belong to Kurumans (ST) Community based upon the community certificate already issued to the 1st petitioner which was confirmed by the State Level Scrutiny Committee in Proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.

For Petitioners : Mr.R.Suresh Kumar

For Respondent : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

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

This Writ Petition has been filed to direct the respondent to issue community certificate to the petitioners 2 to 7 that they belong to Kurumans (ST) Community based upon the community certificate already issued to the 1st petitioner which was confirmed by the State Level Scrutiny Committee in Proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.

Page No:2/8



W.P.No. 27602 of 2023

2. Mr.E.Vijayanand, learned Additional Government Pleader

takes notice for the respondent. By consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

3. The case of the 1st petitioner is that he belongs to Kurumans (ST) community which is classified as Scheduled Tribe community. He studied upto 10th standard. His wife also belongs to Kurumans (ST) community. The 1st petitioner and his wife and children obtained community certificate from the respondent on 10.08.2015. Further, his community certificate was verified by the State Level Scrutiny Committee on 03.07.2023 and found that his community certificate dated 10.08.2015 is genuine.

(ii). The 2nd and 3rd petitioners herein are the younger brother and younger sister of the 1st petitioner. 4th and 5th petitioners are the children of the 2nd petitioner and the 6th and 7th petitioners are the children of the 3rd petitioner. The 3rd petitioner's husband also belongs to Kurumans (ST) community

(iii). The 1st petitioner preferred an application to the respondent on 28.10.2020 requesting to issue community certificate to his brothers and



W.P.No. 27602 of 2023

sisters and their children. However, the respondent informed that, his community certificate 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 petitioners 2 to 7. Thereafter, he 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 issued by the Revenue Divisional Officer, Dharmapuri dated 10.08.2015.

(iv). Since no order was passed, the 1st petitioner filed a writ petition in W.P.No.12086 of 2022 and this Court vide order dated 05.05.2022, directed the 1st and 2nd respondents therein to complete the enquiry and pass orders on merits within a period of 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 1st petitioner is genuine vide proceedings No.9368/CV-3(2)/2022 dated 03.07.2023.



W.P.No. 27602 of 2023

4. Learned counsel appearing for the petitioner would submit that based on the above order dated 05.05.2022 in W.P.No.12086 of 2022, the petitioner preferred an application to the respondent on 07.07.2023 requesting to issue community certificate to the petitioners 2 to 7. However, no certificate was issued by the respondent till date. Hence, the present writ petition.

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

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. When the community certificate issued in favour of the 1st petitioner has been verified and approved by the State Level Scrutiny Committee, it is not open to the competent authority to take a contrary view



W.P.No. 27602 of 2023

dis-crediting the view taken by the State Level Scrutiny Committee, which is tantamount to overriding the authority of the State Level Scrutiny Committee.

7. In the present case, as the 1st petitioner (own brother of the 2nd and 3rd petitioners), who has been issued with the certificate that he belongs to Scheduled Tribe Community of Kurumans, the authorities cannot take a different view. Further, it is for the authorities to examine their relationship and issue community certificate. 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.

8. Considering the fact that the Certificate of the 1st petitioner (own brother of the 2nd and 3rd petitioners) 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 Community Certificate in favour of the 2nd and 3rd petitioners and their children (4th to 7th petitioners).



W.P.No. 27602 of 2023

WEB COPY

9. In view of the above, Revenue Divisional Officer, Dharmapuri/respondent, is directed to issue a Certificate to the effect that the 1st petitioner's brother K.Suresh, his sister K.Sabariswari, and their children viz., Minor S.Yazhini, S.Thangesh, K.Inbarasu, and K.Mythra (2nd to 7th petitioners) belong to Scheduled Tribe Community of Kurumans within a period of four(4) weeks from the date of receipt of a copy of this order.

10. 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.)
20.09.2023

Index : Yes / No
Speaking Order : Yes/No
Internet:Yes/No
Neutral Citation: Yes/No
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To
The Revenue Divisional Officer

Page No:7/8



Dharmapuri,
Dharmapuri District.

WEB COPY



W.P.No. 27602 of 2023

J.NISHA BANU,J.
And
N.Mala,J.

msv

W.P.No. 27602 of 2023
and W.M.P.No.27056 of 2023

20.09.2023

Page No:8/8