



W.P.No.27634 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

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S.Sivalingam

..Petitioner

Vs.

The Revenue Divisional Officer
Dharmapuri,
Dharmapuri District.

..Respondent

Prayer: 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 order of rejection passed in Pa.Mu.2811/2023/A4s dated 14.08.2023 on the file of the respondent and to quash the same and direct the respondent to issue community certificate to the petitioner's children namely S.Bhavadharani and S.Dinesh Kumar and his wife namely C.Punithavalli that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his family members viz. 1.Dheenadhayalan (State Committee report of Petitioner's father's sister's grandson), 2.Nagendiran (Community certificate of petitioner's own sister's son, 3) C.Madesh and C.Latha (Community certificate of petitioner's wife's own brother and sister).



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For Petitioner : 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 call for the records relating to the order of rejection passed in Pa.Mu.2811/2023/A4s dated 14.08.2023 on the file of the respondent and to quash the same and consequently, direct the respondent to issue community certificate to the petitioner's children namely S.Bhavadharani and S.Dinesh Kumar and his wife namely C.Punithavalli that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner and his family members viz. 1.Dheenadhayalan (State Committee report of Petitioner's father's sister's grandson), 2.Nagendiran (Community certificate of petitioner's own sister's son, 3) C.Madesh and C.Latha (Community certificate of petitioner's wife's own brother and sister).



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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 petitioner is that he belongs to Kurumans (ST) community which is classified as Scheduled Tribe community. He studied upto 10th standard and his community is mentioned as Kurumans (ST) community in his school records. He obtained community certificate from the respondent on 26.07.1996. His father's own sister's son Nagendiran had also obtained community certificate from the respondent on 29.07.1996 that he belongs to Kurumans (ST) community. Further, his father's own sister's grandson Dheenadhayalan's community certificate was verified by the State Level Scrutiny Committee on 24.03.2023 and found that his community certificate dated 06.03.1997 is genuine.

4. Today, when the matter is taken up for hearing, learned counsel appearing for the petitioner would state that since community



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certificate is required for the petitioner's children education, he submitted an application to the respondent, requesting issuance of community certificate.

In support of his claim, he enclosed the following documents:

- (i). petitioner's community certificate dated 26.07.1996
- (ii). community certificate of his own sister's son Nagendran
- (iii). State Level Scrutiny Committee Report in favour of his father's own sister's grandson Dheenadhayalan's community certificate dated 24.03.2023
- (iv). Community certificate of his wife's own brother C.Madesh and Sister C.Latha

However, the respondent without considering the petitioner's community certificate and the aforesaid documents, rejected his claim on 14.08.2023.

5. In support of his submission, the learned counsel relied upon the ratio laid down by the Hon'ble Supreme Court in the case of ***State of Bihar vs. Sumit Anand*** reported in **2015 (12) SCC 248**, wherein the Hon'ble Supreme Court held that once the parents are having a valid Community Certificate, their children are entitled to obtain a community certificate that they belong to Kurumans (ST) community.



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6. It is unfortunate to note that the rejection order has been passed without considering the community certificate 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.

7. In the present case, the petitioner was issued with the community certificate that he belongs to Scheduled Tribe Community of Kurumans by the Revenue Divisional Officer (RDO), Dharmapuri, on 26.07.1996, after due verification and enquiry. Therefore, the authorities cannot take a different view and reject the petitioner's application. The authorities are only required to examine their relationship and issue community certificate.

8. In the light of the above, this Writ petition is allowed and the rejection order dated 14.08.2023 passed by the respondent is hereby set aside



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and the Revenue Divisional Officer, Dharmapuri/respondent is directed to

issue a Certificate to the effect that the petitioner's children and his wife 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. No costs.

(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
Dharmapuri,Dharmapuri District.



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J.NISHA BANU,J.

And

N.Mala,J.

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