



W.P.No.28367 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

and

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No.28367 of 2023
and W.M.P.No.27906 of 2023

K.C.Varsheni

... Petitioner

-Vs-

1. The Commissioner
The Directorate of Technical Education
Government of Tamil Nadu
No.53, Sardar Patel Road
Guindy, Chennai – 600 025.
- 2.The Principal
Kumaraguru College of Technology
Athipalayam Road
Chinnavedampatti
Coimbatore – 641 049.
- 3.The Revenue Divisional Officer
Mettur
Salem District.
- 4.The Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai – 600 009.
Rep.by its Chairman

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to issue (i) 7th and 8th semester mark sheet, (ii) Transfer Certificate, (iii) Course Completion Certificate, (iv) Provisional Certificate, (v) Degree Certificate & (vi) Consolidated mark sheets to the petitioner to the effect that she has successfully completed the B.E., (Electronics and Communication Engineering) course and also direct the 3rd respondent to issue Community Certificate to the petitioner that she belongs to Kondareddis (ST) Community.

For Petitioner : Mr.S.Doraisamy
For Respondents : Mr.E.Vijay Anand, AGP
for RR1, 3 and 4

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 1 and 2 to issue the (i) 7th and 8th semester mark sheet, (ii) Transfer Certificate, (iii) Course Completion Certificate, (iv) Provisional Certificate, (v) Degree Certificate & (vi) Consolidated mark sheets to the petitioner to the effect that she has successfully completed the B.E., (Electronics and Communication Engineering) course and also direct the 3rd respondent to issue Community Certificate to the petitioner that she belongs to Kondareddis (ST) Community.



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2. With consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. It is the case of the petitioner that herself and her parents belong to Kondareddis community, which is classified as Scheduled Tribe Community. In order to get a Community Certificate to the petitioner, her father preferred an application before the 2nd respondent on 07.01.2017, requesting to issue community certificate. However, the 2nd respondent without conducting proper enquiry and scrutinizing the documents, rejected the application on 31.08.2017. Challenging the said order, the petitioner's father had preferred a Writ Petition in W.P.No.12351 of 2019 and this Court by an order dated 09.08.2019 disposed of the same with the following directions:-

“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 direction of this Court, the said Community Certificates 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



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said Community Certificates by the State Level Scrutiny Committee, the respondent(s) shall issue permanent Community Certificates to the petitioners' children or the petitioner(s) being the children, as the case may be."

4. Pending Writ Petition, the petitioner completed her B.E., (Electronics and Communication Engineering) in April 2023. However, the 2nd respondent did not issue the certificates. Therefore, the petitioner with no other alternative has filed the present Writ Petition.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1, 3 and 4 and also perused the materials available on record.

6. Admittedly, based on the direction of this Court in W.P.No.16984 of 2019 dated 25.06.2019, the petitioner was admitted to B.E., (Electronics and Communication Engineering) in the 2nd respondent-College under the Kondareddis community category and she completed her graduation in April 2023. However, the 2nd respondent retained her original certificates, including



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(i) 7th and 8th semester mark sheet, (ii) Transfer Certificate, (iii) Course Completion Certificate, (iv) Provisional Certificate, (v) Degree Certificate & (vi) Consolidated mark sheets, on the ground that the petitioner's admission was not approved by the 1st respondent.

7. Petitioner's father and mother were issued with the community certificates in the years 1978 and 1984 respectively and based on which the petitioner's father also applied for community certificate to his daughter, viz., the petitioner herein. Though this Court had granted a positive direction to the respondents to issue community certificate under the Kondareddis community, till date the petitioner was not issued with the same. On the other hand, the petitioner was allowed to be admitted in the B.E., (Electronics and Communication Engineering) and completed the said course in April 2023. Hence, the petitioner cannot be deprived of the benefit of the B.E., (Electronics and Communication Engineering) degree certificate.

8. 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**



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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, 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."

9. Admittedly, the petitioner's father and mother were issued with "Konda Reddis" community certificate and the community certificate issued to them is valid and it is not cancelled. Hence, the petitioner is entitled for issuance of "Konda Reddis" community certificate.

10. In view of the above facts and circumstances of this case, the Writ Petition is allowed, with a direction to the 2nd respondent to issue the (i) 7th and 8th semester mark sheet, (ii) Transfer Certificate, (iii) Course Completion Certificate, (iv) Provisional Certificate, (v) Degree Certificate & (vi)



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Consolidated mark sheets to the petitioner to the effect that she has successfully completed the B.E., (Electronics and Communication Engineering) course and also the 3rd respondent is directed to issue Community Certificate to the petitioner that she belongs to Kondareddis (ST) Community within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
27.09.2023

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

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J.NISHA BANU, J.,



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Dated:
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