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W.P.No.28316 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 28316 of 2023

G.Sasikumar

..Petitioner

Vs.

The Revenue Divisional Officer
Mettur,
Salem 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 Na.Ka.7635/2022/T dated 18.05.2023 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children Shri Varsha Sasikumar and S.Kanishk Sashank that they belong to "Kondareddis (ST) community" based upon the community certificate already issued to the petitioner, his wife and other family members.

For Petitioner : Mr.S.Doraiswamy

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



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ORDER

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(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 Na.Ka.7635/2022/T dated 18.05.2023 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's children Shri Varsha Sasikumar and S.Kanishk Sashank that they belong to "Kondareddis (ST) community" based upon the community certificate already issued to the petitioner, his wife and other family members.

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 Kondareddis Community which is classified as Scheduled Tribe community. He obtained community certificate from the Tahsildar, Mettur on 30.06.1986. The above certificate was issued to him after due enquiry and the same was not



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cancelled by any authority. His community is mentioned as Kondareddis (ST) community in his school records. His wife R.Sudha had obtained community certificate from the Tahsildhar, Mettur on 25.04.1987 and her father N.Ramamoorthy obtained community certificate on 19.07.1968. His wife's own sister S.Jayanthi also obtained community certificate that she belongs to Kondareddis (ST) Community.

4. Today, when the matter is taken up for hearing, learned counsel appearing for the petitioner would state that since community 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 30.06.1986
- (ii). community certificate of his wife
- (iii). Community certificate of his wife's father N.Ramamurthy
- (iv). Service register of his wife's father N.Ramamurthy
- (v). Petitioner's school records



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(vi). Petitioner's wife's school and college records

(vii). Other blood relatives community certificates.

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. He also relied upon the Judgment reported in **(1997) 7 Supreme Court Cases 505** in the case of ***R.Kandasamy vs. Chief Engineer, Madras Port Trust***, in which, Paragraph No.6 reads as follows:

"6. In our opinion the Community Certificate issued to a Scheduled Tribe candidate by the Tahsildar prior to 11-11-1989 is a good and valid Community Certificate for all purposes so long as such a certificate is not cancelled. The authorities cannot decline to take that into consideration and



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insist upon a fresh Community Certificate from the Revenue

WEB COPY *Divisional Officer."*

6. It is unfortunate to note that the rejection order has been passed without considering the community certificates 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 Kondareddis by the Tahsildar, Mettur, on 30.06.1986, after due verification and enquiry. Therefore, the authorities cannot take a different view and reject the petitioner's application for his children. The authorities are only required to examine their relationship and issue community certificate.



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8. In view of the above, rejection order dated 18.05.2023 passed by the respondent is hereby set aside and the Revenue Divisional Officer, Mettur/respondent is directed to issue a Certificate to the effect that the petitioner' children belong to Scheduled Tribe Community of Kondareddis within a period of four(4) weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition is allowed. No costs.

(J.N.B.,J.) (N.M.,J.)
26.09.2023

Index : Yes / No
Speaking Order : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

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To

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