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W.P.No.28303 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**

Writ Petition No.28303 of 2023

T.N.Raja

... Petitioner

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

PRAYER: Writ Petition is 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 petitioner's children viz., R.Tharani and



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R.Navaneetha Manikandan to the effect that they are belong to the Konda Reddy Community (Scheduled Tribe) on the basis of his wife's maternal uncle – M.Jayaraman's Community Certificate dated 02.02.1976, his grandfather's sister's son – S.Nagarajan's community certificate dated 29.07.1975 and his wife's community certificate dated 10.04.1989 issued by Tahsildar, Mettur Taluk.

For Petitioner : Mr.N.Naganathan

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

ORDER

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

Mr.E.Vijay Anand, learned Additional Government Pleader takes notice for the respondents.

2.By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.This writ petition has been filed seeking for a direction to the respondents to issue permanent community certificate to the petitioner's



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children viz., R.Tharani and R.Navaneetha Manikandan, to the effect that they belong to the Konda Reddy Community (Scheduled Tribe), on the basis of his wife's maternal uncle – M.Jayaraman's community certificate dated 02.02.1976 and the petitioner's grandfather's sister's son – S.Nagarajan's community certificate dated 29.07.1975 and also his wife's community certificate dated 10.04.1989, issued by the Tahsildar, Mettur Taluk.

4. The petitioner submits that he belongs to the Konda Reddy Community, which is a Scheduled Tribe(ST) community. The claim of the petitioner is that the petitioner's wife and his wife's maternal uncle, who is a retired Government employee, were all issued with Konda Reddy Community certificate by the Tahsildar, Mettur Dam on 02.02.1976. He would also state that his grandfather's sister's son, namely S.Nagarajan was issued with Konda Reddy Community Certificate on 29.07.1975 and his wife was also issued with Konda Reddy Community Certificate on 10.04.1989.

5. According to the learned counsel for the petitioner, the petitioner had applied for Community Certificate for his children, before the 2nd respondent



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on 15.09.2015 and since the second respondent did not take any action on his application, he filed a writ petition along with several other persons in W.P.No.39493 of 2015 and this Court disposed of the same vide order dated 04.01.2016, wherein a direction was given to the second respondent to consider the claim of the petitioners. Thereafter, the second respondent had rejected the petitioner's claim on 09.01.2017. Aggrieved against the same, the petitioner along with several others persons filed another writ petition in W.P.No.10628 of 2017 and the same was also disposed of by this Court with a direction to the petitioners to approach the second respondent by way of filing an appeal. Subsequently, the petitioner preferred an appeal before the first and second respondents on 26.09.2018 and the same is pending till date.

6. According to the learned counsel for the petitioner, even though the petitioner belonged to the Konda Reddy Community, there did not arose any situation for him to apply for certificate. Since the petitioner wanted his children to be educated, he had applied for the community certificate for his children. Moreover, the community certificate of his wife denoting as Konda Reddy Community is still in force. In such circumstances, the respondents



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have made the petitioner to run from pillar to post. The petitioner has approached the Authorities by filing an appeal by enclosing the necessary certificates, however, the appeal is still pending without passing any final orders.

7. Admittedly, the wife of the petitioner is having a valid community certificate that she belongs to 'Konda Reddy' Community. Therefore, the children of the petitioner are also entitled for the same community certificate as it is required for their education. We need to conclude that the petitioner is an illiterate and at the time of admission of his children at school, he may not have given proper community name as Konda Reddy and the application form has been filled in by some person, who has stated that the petitioner belongs to Reddy Community instead of Konda Reddy Community. There is no Anthropologist report stating that the petitioner does not belong to Konda Reddy Community. Though the mother of the children and other relatives have got valid certificate, the application made by the petitioner has been rejected, and therefore there is no rationale in rejecting the application of the petitioner.



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8. All these persons are downtrodden people, who are uneducated. Unless and untill we encourage them to study higher, they can never come up in their life. The young generation should be made meritorious by inculcating and providing skills. Improving the innate capability of the people should be the ultimate focus rather than easing out some sections, thereby lowering evaluation criteria and make them stay relaxed and often held back under the policy of reservation.

9. In view of the above facts and circumstances and also considering that the petitioner's wife has got a valid community certificate and his other family members are also issued with valid community certificates, which have not been cancelled till date, the respondents are directed to issue community certificate to the petitioner's children within a period of eight weeks from the date of receipt of a copy of this order. This order shall not preclude the third respondent from proceeding further with the appeal pending before it. Accordingly, the Writ Petition stands disposed of. No costs.

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



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Index : Yes/No

Speaking order/Non-speaking order
Jer/sts

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J.NISHA BANU, J.,
and
N.MALA, J.,
sts

Order made in
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Dated:
27.09.2023