



WEB COPY



W.P.No.28308 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.28308 of 2023

S.Ramesh

... 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 son and daughter – R.Jeevanantham and Minor R.Kishore to the effect that they are belong to the Konda Reddy community (Scheduled Tribe) on the basis of the petitioner's community



W.P.No.28308 of 2023

certificate dated 22.11.1978 and his wife – R.Rathi's Community Certificate dated 13.04.1989 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 sons – R.Jeevanantham and Minor R.Kishore, to the effect that they belong to the Konda Reddy Community (Scheduled Tribe) on the basis of the petitioner's



W.P.No.28308 of 2023

community certificate dated 22.11.1978 and his wife – R.Rathi's Community Certificate dated 13.04.1989 issued by 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 community certificates of his wife and himself were issued by the Tahsildar, Mettur Taluk. Therefore, on 14.09.2015, the petitioner had applied for Community Certificate for his children, before the 2nd respondent 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 therein. Thereafter, the second respondent had rejected the petitioner's claim on 09.01.2017. Aggrieved against the same, the petitioner along with several other 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. However,



W.P.No.28308 of 2023

the 2nd respondent, without conducting proper enquiry, had confirmed the order passed by the 3rd respondent therein.

5. As against the order of the 2nd respondent, the petitioner has preferred a writ petition in W.P.No.24170 of 2019 before this Court and this Court by an order dated 09.12.2019 directed the petitioner to file an appeal before the State Level Scrutiny Committee as against the order passed by the District Collector, Salem, within a period of two weeks. Accordingly, the petitioner has preferred an appeal before the 3rd respondent on 22.02.2020. However, the same is pending till date.

6. According to the learned counsel for the petitioner, when the petitioner and his wife were issued with valid "Konda reddy (ST)" Community Certificates, the respondents ought to have issued community certificate to his children also, however, the respondents failed to issue the same.

7. However, the learned Additional Government Pleader submitted that the community certificates issued to the petitioner and his wife have been sent to the State Level Scrutiny Committee for verification and the outcome of the



W.P.No.28308 of 2023

same is awaited.

8. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

9. Admittedly, the petitioner and his wife are in possession of valid community certificates denoting them as “Konda Reddy Community”. Therefore, the children of the petitioner are also entitled for the same community certificates, as it is required for their education. Though the petitioner as well as his wife have got valid certificates, the application made by the petitioner has been rejected, and therefore there is no rationale in rejecting the application of the petitioner.

10. All these persons are downtrodden people. Unless and until 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.



W.P.No.28308 of 2023

11. In view of the above facts and circumstances and also considering that the petitioner's wife and himself have got valid community certificates, which have not been cancelled till date, the respondents are directed to issue community certificates 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

Index : Yes/No
Speaking order/Non-speaking order
Jer/sts

To:
1.The District Collector and Chairman
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Salem District, Salem.

2.The Sub Collector
Mettur Dam
Salem District.

3.The Chairman
State Level Scrutiny Committee
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W.P.No.28308 of 2023

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

Order made in
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Dated:
27.09.2023