



WEB COPY



W.P.No.28335 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.28335 of 2023

G.Balakrishnamoorthy
Petitioner

...

Vs.

The Sub Collector
Mettur Dam
Salem District.

... Respondent

PRAYER: Writ Petition is 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 proceedings in Na.Ka.4160/2012/T dated 09.12.2019 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's daughters – B.Menaka and B.Sowmya, that they belong to “Kondareddis (ST) Community” based upon the community certificate already issued to the petitioner, his wife and other family members.



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For Petitioner : Mr.S.Doraiswamy
For Respondent : 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 respondent.

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 for issuance of Writ of Certiorarified Mandamus, call for the records relating to the order of rejection passed in proceedings Na.Ka.No.4160/2022/T dated 09.12.2019 on the file of the respondent, quash the same and direct the respondent to issue community certificate to the petitioner's daughters – B.Menaka and B.Sowmya, that they belong to Kondareddis (ST) Community based upon the community certificate already issued to the petitioner, his wife and other family members.



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4.It is the case of the petitioner that he was issued with the Community Certificate of Kondareddis (ST), after proper verification and enquiry. Till date his community certificate was not cancelled. Therefore, it is valid for all purpose, including issuance of community certificate to his daughters. However, the respondent vide the order impugned in this Writ Petition declined to issue community certificate to the petitioner's daughters. Hence the present Writ Petition.

5.This Court in number of Writ Petitions repeatedly observing that a community comprises of the members of the family and also members of the same group or tribe, caste, the children derive their community from their parents. If the parents were granted community certificate, without any further verification, their children, are entitled to the said certificate. The respondent has no authority to doubt the certificates issued in favour of the parents by the competent authority unless the same is set aside or modified by the higher authority, i.e., the State Level Scrutiny Committee.

6.Further, applying the ratio laid down by the Hon'ble Supreme Court in



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the case of *State of Bihar Vs. Sumit Anand*, once the parents are having a valid Community Certificate, their children are entitled to obtain a community certificate that they belong to Kondareddis (ST) Community.

7.For the reasons stated above, we set aside the order passed by the respondent dated 09.12.2019 and direct the respondent to issue a necessary community certificate forthwith, preferably within a period of eight weeks from the date of receipt of a copy of this order.

8.With the above direction, this Writ Petition stands disposed of. 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
Jer

To:
The Sub Collector
Mettur Dam
Salem District.



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

Order made in
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Dated:
27.09.2023