



W.P.No.31825 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.31825 of 2022
and
W.M.P.No.31287 & 31288 of 2022

1. M.Anitha
W/o Madhuraji

2. M.Elakya,
D/o Madhuraji

.... Petitioners

vs

1. The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat,
Chennai - 600 009.
rep. by tis Chairman.

2. The Director,
Tribal Welfare Department,
Chepauk,
Chennai - 600 005.

3. The Deputy Superintendent of Police,
Social Justice & Human rights Division
and District Vigilance Enquiry Division,
Dharmapuri District,



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Dharmapuri.

4. The Commissioner,
Directorate of Technical Education,
Guindy,
Chennai - 600 025.

5. The Registrar,
Anna University,
Guindy,
Chennai - 600 025.

6. The Principal,
Coimbatore Institute of Technology,
Coimbatore - 641 014.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 1 to 3 to proceed with the second appeal preferred before the 1st respondent by the 1st petitioner dated 22.10.2022 and pass orders regarding genuineness of social status of Kurichchan (ST) community of the petitioners and till such time not to cancel the admission of the 2nd petitioner and permit the 2nd petitioner to continue the B.E.(AIDS) course.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.E.Vijayanand,
Additional Government Pleader
for R1 to R4
No appearance for R5 & R6



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ORDER

(The Order of the court was made by J.Nisha Banu,J.)

The Writ Petition has been filed seeking a Writ of Mandamus to direct the respondents 1 to 3 to proceed with the second appeal preferred before the 1st respondent by the 1st petitioner dated 22.10.2022 and pass orders regarding genuineness of social status of Kurichchan (ST) community of the petitioners and till such time not to cancel the admission of the 2nd petitioner and permit the 2nd petitioner to continue the B.E.(AIDS) course.

2. The case of the petitioners is that they are mother and daughter respectively and they belong to Kurichchan community which is recognized as Scheduled Tribe. In the 1st petitioner's school certificate it is entered that she belongs to Kurichchan (ST) community and her husband also belongs to Kurichchan Community (ST). Her maternal uncle M.Siakumar and his children obtained community certificate from RCO, Dharmapuri on 08.08.2014 stating that they belong to Kurichchan (ST) community. On 24.11.2021, the 1st petitioner preferred an application before the RDO, Dharmapuri to issue community certificate to herself and her children M.Elakya (2nd petitioner) and M.Ramanan. Since no order was passed, she filed a writ petition in W.P.No.743 of 2002 and this Court directed the RDO to pass



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orders within six weeks. However, the RDO rejected her claim on 30.03.2022 on the ground that in her relatives school entries, it is mentioned as 'Kunjigar' community. Aggrieved against the same, she preferred an appeal before the Collector, Dharmapuri. The Collector also confirmed the order of the RDO, Dharmapuri on 10.10.2022. Therefore, she preferred a second appeal to the 1st respondent on 22.10.2022. However, the 1st respondent did not conduct any enquiry till date. In the meantime, the 2nd petitioner got admission in the 6th respondent college through counseling under ST category and she joined on 26.10.2022. The 6th respondent insisted the 2nd petitioner to produce Kurichchan (ST) Community certificate. Since a request was made, the 4th respondent granted two months time on 03.11.2022 for production of community certificate, failing which, the admission will be automatically cancelled. In similar circumstances, the Hon'ble Supreme Court had permitted the students to attend the classes subject to the final outcome of the decision by the State Level Scrutiny Committee with regard to her Scheduled Tribe category status. Hence, the present writ petition with the aforesaid relief.

3. When the matter is taken up for hearing, the learned counsel



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appearing for the petitioner would state that enquiry is pending before the first respondent.

4. Considering the facts and circumstances of the case, we are of the opinion that it would be suffice if a direction is issued to the State Level Scrutiny Committee/1st respondent to dispose of the second appeal within a specified time. Accordingly, the 1st respondent is directed to complete the enquiry and pass orders on the Second Appeal filed by the petitioner within a period of two weeks from the date of receipt of a copy of this order. Accordingly, the Writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
21.09.2023

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

Note: Issue order copy on 26.09.2023

To



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rep. by tis Chairman.
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J.NISHA BANU,J.



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and
N.MALA,J.

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