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W.P.No.34995 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.34995 of 2022

N.Krishnamoorthy

.. Petitioner

Vs.

1.The Chairman
State Level Scrutiny Committee III/
Additional Secretary to Government
Adi Dravidar and Tribunal
Welfare Department
Secretariat, Chennai-600 009.

2.The District Collector
Dharmapuri.

3.The Revenue Divisional Officer
Dharmapuri.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing No.Se.Mu.Ka.No.07/2022/A2 dated 19.09.2022 passed by the 2nd respondent and quashing the same and directing the 3rd respondent to issue “Kurumans” Scheduled Tribe Community Certificate to the petitioner within a reasonable time fixed by this Court.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.E.Vijay Anand

Additional Government Pleader



ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

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The petitioner has come out with the present Writ Petition to quash the order passed by the 2nd respondent dated 19.09.2022 and for a direction to the 3rd respondent to issue “Kurumans” Scheduled Tribe Community Certificate to him.

2.Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the entire materials on record.

3. From the materials on record, it is seen that the petitioner has applied to the 3rd respondent for issue of Hindu “Kurumans” Scheduled Tribe Community Certificate to him. The 2nd respondent by the impugned order stated that there is doubt about the community certificates of relatives of petitioner and verification of genuineness of said certificates are pending before the State Level Scrutiny Committee. Till the decision of the State Level Scrutiny Committee about genuineness of said certificates, the application of the petitioner is withheld. Challenging the said order, the petitioner filed appeal to the 2nd respondent. The 2nd respondent by the proceedings dated 02.09.2022 dismissed the appeal



filed by the petitioner. In the said order, the 2nd respondent has stated that in view of the document produced by the petitioner, the order of 3rd respondent holding that petitioner belongs to Most Backward Community is confirmed.

4. A reading of order of 3rd respondent shows that he did not pass any order holding that petitioner belongs to Most Backward Community and not Scheduled Tribe Community. The 3rd respondent in view of pendency of the proceedings before the 1st respondent with regard to verification of genuineness of community certificates of the petitioner's relatives, has withheld the application of the petitioner. This shows non-application of mind of 2nd respondent while dismissing the appeal filed by the petitioner.

5. Learned counsel appearing for the petitioner submitted that 1st respondent by the proceedings dated 30.11.2022 upheld the genuineness of the community certificate of petitioner's relative Ravichandran and his children that he belongs to Hindu "Kurumans" Scheduled Tribe Community and directed the 3rd respondent to issue Hindu "Kurumans" Scheduled Tribe Community Certificate to the petitioner's brother Ravichandran and his children and produced copy of the said proceedings



and prayed for a direction to the 3rd respondent for issue of community certificate taking into consideration of the order passed by the 1st respondent.

6. Considering the above submissions, the impugned order of the 2nd respondent is hereby set aside and the matter is remanded back to the 3rd respondent. The petitioner is directed to produce the proceedings of the State Level Scrutiny Committee confirming the community certificate of the petitioner's elder brother Ravichandran as genuine to the 3rd respondent, within a period of two weeks from the date of receipt of a copy of this order. On receiving the same, the 3rd respondent is directed to consider the application of the petitioner based on the proceedings of the State Level Scrutiny Committee with regard to community certificate of the elder brother of the petitioner Ravichandran, within a period of four weeks thereafter on merits and pass orders in accordance with law.

7. With the above directions, the Writ Petition is disposed of. No costs.

(V.M.V., J) (V.L.N., J)
06.03.2023

Index : Yes / No
Neutral Citation : Yes / No

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