



W.P(MD)No.4172 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.4172 of 2023
and
WMP(MD)No.3981 of 2023

K.Meenakshi

... Petitioner

vs.

1. The Revenue Divisional Officer,
Thirumangalam Division,
Madurai District.

2. The Zonal Deputy Tahsildar,
Thirumangalam,
Madurai District.

3. The Revenue Inspector,
Thirumangalam Division,
Madurai District.

4. The Village Administrative Officer,
Madakulam Village,
Thirumangalam Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned rejection order of



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the 1st respondent dated Nil and quash the same as illegal and consequently directing the 1st respondent to issue Hindu Malaivedan Scheduled Tribes Community Certificate to the petitioner by considering the community certificate issued to the petitioner's family members and relatives based on the petitioner's application dated 29.08.2022 within the time stipulated by this Hon'ble Court.

For Petitioners : Mr.K.Paramasivam
For Respondents : Mr.A.Baskaran
Additional Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Aggrieved by the rejection of the online application seeking community certificate, the petitioner has come up with this writ petition.

2. The petitioner submitted an application on 09.07.2022, online, seeking issuance of a certificate to the effect that she belongs to Hindu Malaivedan community which is classified as Scheduled Tribes Community. The application came to be rejected by the first respondent observing as follows:-

"The Applicant asks ST certificate but The applicants



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parents community certificate not submitted and vao ri and zdt

not recommended so the application is rejected."

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3. We are unable to sustain this kind of disposal of application for community certificate. The petitioner would claim that she had enclosed the certificates of her brother's daughter and son which show that they belonged to Hindu Malaivedan community. An order passed by the State Level Scrutiny Committee accepting the claim of one Tr.Chandrasekaran, brother of the petitioner's father that he belongs to Hindu Malaivedan community has also been produced.

4. Mr.A.Baskaran, learned Additional Government Pleader appearing for the respondents would submit that if the petitioner files a fresh application by uploading all the certificates and the order of the State Level Scrutiny Committee, the first respondent would consider the same.

5. This Court has repeatedly held that certificates issued to near blood relatives can form the basis for issuance of community



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certificate. In the case on hand, we find that several certificates issued to blood relatives have been produced. The approval granted by the State Level Scrutiny Committee for one Tr.Chandrasekaran has also been produced. Therefore, we are of the considered opinion that the order of rejection cannot be sustained.

6. Hence, the order impugned in the writ petition namely, the rejection of the online application dated 9th July 2022 is set aside and the petitioner is given liberty to file application afresh enclosing all the certificates. Upon receipt of the same, the authority shall conduct an enquiry and decide on the communal status of the petitioner without resorting to cryptic rejection as has been done by the first respondent which is impugned in this writ petition.

7. The Writ Petition stands allowed accordingly. No costs. Connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
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[R.S.M.,J.] & [L.V.G.,J.]
07.03.2023



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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DATED : 07.03.2023