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W.P.Nos.1528 & 1531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.Nos.1528 & 1531 of 2024

and

W.M.P.Nos.1546 & 1549 of 2024

Siva

... Petitioner
in both writ petitions

Vs.

1.The District Collector,
District Collector Office,
Dharmapuri.

2.The Revenue Divisional Officer,
District Collector Office,
Dharmapuri.

3.Tahsildar,
Tahsildar Office,
Dharmapuri.

... Respondents
in both writ petitions

Prayer in W.P.No.1528 of 2024 : Writ Petition filed under Article 226 of



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the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the rejection order dated 17.12.2023 passed by the 3rd respondent with respect to the petitioner's son “V.Titus Ruben” Application No.TN-5202312148292 and quash the same and to consequently, direct the respondents to issue “SC” Community Certificate to the petitioner's son namely “V.Titus Ruben”.

Prayer in W.P.No.1531 of 2024 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the rejection order dated 16.12.2023 passed by the 3rd respondent with respect to the petitioner's daughter “V.Vincy Ruby” Application No.TN-5202312095411 and quash the same and to consequently, direct the respondents to issue “SC” Community Certificate to the petitioner's daughter namely “V.Vincy Ruby”.

For Petitioner : Mr.K.Prasath
for Mr.M.Vignesh
in both writ petitions

For Respondents : Mr.G.Nanmaran
Special Government Pleader
in both writ petitions



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COMMON ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

These writ petitions are filed challenging the orders passed by the 3rd respondent rejecting the application filed by the petitioner for issuance of SC Community Certificate to her son V.Titus Ruben and daughter V.Vincy Ruby and for a direction to issue SC Community Certificate to her children.

2.The petitioner states that she belongs to Paraiyan Community which is recognized as a Scheduled Caste by Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. The petitioner admits that her husband is a converted Christian (Vanniyar) Community which is recognized as a Most Backward Class. The marriage between the petitioner and her husband is an intercaste marriage. It is the case of the petitioner that, due to difference of opinion, she is away from her husband and that her two children are living with her. When she applied for Community Certificate for her son V.Titus Ruben and daughter V.Vincy Ruby along with



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documents, the applications were rejected by the 3rd respondent by orders dated 17.12.2023 and 16.12.2023 respectively, on the ground that proper documents are not furnished.

3.The petitioner relies upon G.O.Ms.No.08, Backward Classes, Most Backward Classes & Minorities Welfare (BCC) Department, dated 09.02.2021, wherein, the Government has clarified the position that the children born out of marriage between parents of two different castes shall be considered to belong to either the caste of the father or the caste of the mother based on the declaration of the parent/s.

4.Since the petitioner has stated that she has applied for Community Certificate for her children by stating that her children are living with her and that her husband has no control over the children, the children shall be deemed to be following the traits of the petitioner who belongs to Scheduled Caste Community. Therefore, the respondents shall consider the petitioner's children as they belong to the caste of the petitioner/mother. However, the impugned orders proceed on the premise that the petitioner has not attached



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proper documents. However, the impugned order is bereft of particulars of documents required. The petitioner has produced documents which requires proper consideration. Therefore, the orders impugned cannot be sustained on the admitted facts and the documents produced.

5. Accordingly, the impugned communications dated 16.12.2023 and 17.12.2023 are quashed, and these writ petitions are allowed. The 3rd respondent is directed to re-consider the applications of the petitioner for issuance of SC Community Certificate to her son V.Titus Ruben and daughter V.Vincy Ruby, afresh, on merits and in accordance with law. In case the 3rd respondent is convinced that the petitioner belongs to SC Community, the children of the petitioner shall also be issued with SC Community Certificate, within a period of 12 weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (N.S., J.)
24.06.2024

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Internet : Yes



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Index : Yes / No

Neutral Citation : Yes / No

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and
N. SENTHILKUMAR, J.

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To

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