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W.P.No.4724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2024

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.4724 of 2024

Dhayalan
S/o Ranganathan .. Petitioner

v.

The Revenue Divisional Officer
Sathuvachari, Vellore 632 009 .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the online rejection order in Application Numbers in TN-520231115947 (D.S.Mythri) and TN-520231115808 (D.Vishal) quash the same and direct the respondent to issue community certificate to the petitioner's children D.S.Mythri and D.Vishal that they belong to Kattunayakan (ST) Community based upon the community certificate of the petitioner, his brother R.Anandan and other blood relatives.

For Petitioner :: Mr.S.Doraisamy
For Respondent :: Mr.M.R.Gokulkrishnan
Additional Government Pleader



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ORDER

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

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This writ petition is filed challenging the impugned order rejecting the petitioner's online application for issuance of community certificate and to quash the same by directing the respondent to issue community certificate to the petitioner's children, namely, D.S.Mythri and D.Vishal that they belong to Kattunayakan (ST) Community based upon the community certificate already issued to the petitioner and his brother as well the other blood relatives.

2. The case of the petitioner is that he belongs to Kattunayakan community, which is notified as a Scheduled Tribe. The petitioner has come forward with a case that the community certificate issued to the petitioner in 2014 that he belongs to Kattunayakan community is still valid, as it has not been cancelled by the competent authority in the manner known to law. It is the case of petitioner that community certificates were also issued to the petitioner's brother and his children by the competent authority. It is the specific case of petitioner that the certificate issued to his father's own sister



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Kamatchi was the subject matter of verification by the State Level Scrutiny Committee and found to be genuine on 03.08.2010. However, the application submitted by the petitioner for issuance of community certificate to his children has been rejected for the following reasons:-

“The application for ST certificate was rejected based on the spot enquiry report submitted by the Anthropologist, SC/ST Vigilance, Vellore region, Departmental of Tribal Welfare, Government of Tamil Nadu “Not eligible” for ST Kattunayakan certificate.”

3. We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

4. At the outset, this Court is convinced that the impugned order is in violation of the principles of natural justice, since the reasons stated in the order relying upon the anthropologist's report are arbitrary and the report itself was not served on the petitioner. Moreover, in similar cases, this Court had already issued directions to the competent authority to consider the application by adopting the manual mode, which requires holding of



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enquiry. Recently this Court in W.P.Nos.35555 of 2023 etc. dated 07.02.2024 (R.Devisri etc., etc., v. The Revenue Divisional Officer, Dharmapuri), while considering a similar issue, relying upon the order dated 12.09.2023 passed in W.P.No.26186 of 2023 (Rajagopal v. State) highlighting the procedure that was prescribed for issuance of SC/ST certificates and the obligation on the part of the competent authority to pass a speaking order after holding enquiry, quashed the orders impugned therein. In the case on hand, it is admitted that the community certificates issued to the petitioner on 17.07.2014 and to his brother's children on 22.08.2016 that they belong to Kattunayakan (ST) community are valid as on date. When the community status of petitioner's blood relative is verified/scrutinized by the State Level Scrutiny Committee that she belongs to Kattunayakan (ST) community, the same is binding on the respondent and therefore the rejection of petitioner's online application cannot be sustained. Therefore, the impugned order is set aside and the matter is remitted to the respondent to consider the application of the petitioner afresh after affording adequate opportunity to the petitioner to substantiate his case regarding the community status of his blood relative, which was the



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subject of verification by the State Level Scrutiny Committee vide proceedings dated 03.08.2010, and by considering the documents that are filed in support of his application. The respondent shall pass a speaking order after holding enquiry and giving opportunity to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.No.5161 of 2024 is closed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
01.07.2024

ss

To

1. The Revenue Divisional Officer
Sathuvachari, Vellore 632 009



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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