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W.P.No.4568 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.4568 of 2024

S.Jayaraman

.. Petitioner

v.

The Revenue Divisional Officer
Dharmapuri, Dharmapuri District

.. 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-5202312297362 (C.Jayaraman), TN-520231230342 (J.Tamilarasu) and TN-520231230423 (J.Rajeshwari) dated NIL quash the same and direct the respondent to issue community certificate to the petitioner and his children namely J.Tamilarasu and J.Rajeshwari that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner's own sister P.Shanthi in Certificate No.TN-520230927551.

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.)

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 and his children, namely, J.Tamilarasu and J.Rajeshwari showing that they belong to Kurumans (ST) Community based upon the community certificate already issued to the petitioner's own sister P.Shanthi in Certificate No.TN-520230927551.

2. The case of the petitioner is that he belongs to Kurumans community, which is notified as a Scheduled Tribe. The petitioner has come forward with a case that the community certificate issued to his own sister P.Shanthi by the competent authority that she belongs to Kurumans (ST) community has not been taken into consideration and the respondent, without holding enquiry, has rejected the online application of the petitioner for issuance of Kurumans (ST) community certificate by the impugned order.



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

4. This Court in similar cases have already issued directions to the competent authority to consider the application by adopting the manual mode, which requires holding of 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, when the community certificate has been issued to the petitioner's sister by the competent authority that she belongs to Kurumans (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



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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. 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.4986 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
Dharmapuri, Dharmapuri District



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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