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W.P.No.8090 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.8090 of 2024

and

W.M.P.Nos.9041 & 9042 of 2024

Lavanya V.

... Petitioner

Vs.

The Revenue Division Officer,
Vaniyambadi – 635 752,
Tirupattur.

... Respondent

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 relating to the online rejection order dated 13.09.2023 in Application No.TN-5202308294406 and quash the same and to consequently direct the respondent to issue ST Kurumans Community Certificate to the petitioner on the basis of the Community Certificate issued to the petitioner's father's maternal uncle's certificate dated 29.06.1977 which was held to be genuine by the State Level Scrutiny Committee by the proceedings No.17904/CV2/2013-6, dated 20.03.2015.



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For Petitioner : M/s.K.Nithyashree

For Respondent : Mr.R.Vigneshwaran
Government Advocate

ORDER

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

As against the order rejecting the online application of the petitioner for issuance of ST Kurumans Community Certificate to the petitioner, the above writ petition is filed.

2.The petitioner is a student who has completed 12th Std. While preparing for NEET, the petitioner applied for admission in Medical College under ST Category. It is the case of the petitioner that the petitioner's close blood relatives have been given Community Certificate to show their community status as ST Kurumans. The petitioner has also produced before this Court the genealogy showing the relationship between the petitioner and her close blood relatives in favour of whom the Community Certificate was issued recognizing them as belonging to ST Community. When the petitioner made an online application to issue Community Certificate to her, the same was rejected by the respondent by the order which is impugned in this writ petition.



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3.It is seen from the impugned order that there are no details except the remark “*Based on the VAO RI report rejected*”. The order is not readable and no one can understand the reason given for rejecting the application online. The impugned order does not show any application of mind as to the facts furnished by the petitioner or the documents submitted by the petitioner along with the application. It is settled that, even if the report called for from the Village Administrative Officer or Revenue Inspector is adverse to the petitioner, an opportunity should have been given to the petitioner to meet any adverse remarks, before passing any order of rejection. In the circumstances, the non-speaking order passed by the respondent rejecting the application submitted by the petitioner for issuance of Community Certificate to the petitioner, without assigning reasons, is liable to be set aside.

4.This Court has repeatedly held that the rejection of application submitted by candidates for community certificate through online without assigning reasons, is not proper. We have also referred to the order passed



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by different Benches giving certain directions. This Court in few cases has suggested that the official respondents have to consider the application by following the procedure that was prescribed for disposing of the application manually. The petitioner is driven to Court because of the impugned order and the impugned order without assigning any reason to the understanding of anyone, is liable to be quashed.

5. Accordingly, the impugned order is quashed and the writ petition is allowed. The respondent is directed to consider the representation of the petitioner by following the procedure prescribed for considering the application manually and pass appropriate orders, after holding enquiry and after giving opportunity of hearing to the petitioner, within a period of twelve 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.)
17.04.2024

mkn

Internet : Yes



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Index : Yes / No

Neutral Citation : Yes / No

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To

The Revenue Divisional Officer,
Vaniyambadi – 635 752,
Tirupattur.

S.S. SUNDAR, J.
and



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N. SENTHILKUMAR, J.

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