



WEB COPY



W.P.No.10984 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM :

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

W.P.No.10984 of 2024

Mr.P.Madheswaran .. Petitioner

v.

1. The District Collector
Tirupathur District 635 601

2. The Revenue Divisional Officer
Tirupathur Taluk
Tirupathur District 635 601

3. The Tahsildar
Tirupathur Taluk
Tirupathur District 635 601

4. The Revenue Inspector
Tirupathur Taluk
Tirupathur District 635 601

5. Village Administrative Officer
Tirupathur Taluk
Tirupathur District 635 601

.. Respondents



W.P.No.10984 of 2024

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the online rejection order in application Application No.TN-5202403015128 (P.Madheswaran) dated 20.03.2024, quash the same and consequently direct the 2nd respondent to issue Community Certificates for petitioner and his children (1) Kameshwaran (2) Suriyaprakash and (3) Sharmila to the effect that they belong to Schedule Tribe (Hindu-Kuruman) within the stipulated time.

For Petitioner :: Mr.G.M.Gokul Ram

For Respondents :: Mr.G.Nanmaran
Special Government Pleader

ORDER

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

This writ petition is filed challenging the impugned order passed by the respondents showing the status of the application filed by the petitioner for issuance of community certificates to the petitioner and his children, as rejected without assigning any justifiable reason.

2. The petitioner states that he belongs to Hindu-Kuruman



W.P.No.10984 of 2024

community, which comes under Scheduled Tribe. It is the case of petitioner that his maternal grandfather served as Postmaster at Tirupathur Post Office with his service registers showing his community as 'Hindu-Kuruman'. The petitioner's grandfather obtained a community certificate from the Deputy Tahsildar on 22.06.1981. It is the case of petitioner that his mother also obtained a community certificate that she belongs to 'Hindu-Kuruman' community on 11.07.1985. Supported by all these documents including the service register issued to the petitioner's grandfather in 1983, the petitioner submitted an application on 01.03.2024 through online. However, the respondents, without providing any opportunity to the petitioner, rejected his application with the following intimation - “The applicant not enclosed proper proof of community certificates hence not recommended.”

3. Considering the documents available on record, this Court is of the view that the petitioner has made out a prima facie case before the respondents. However, the rejection of the application without assigning proper reasons, has prompted the petitioner to approach this Court challenging the online rejection order.



W.P.No.10984 of 2024

4. The issue is no longer res integra, as this Court has repeatedly held that the rejection of application submitted by candidates for community certificate through online without assigning proper reasons, is not valid in the eye of law. We have also referred to the orders passed by different Benches giving certain directions in this regard. In fact, 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 for no fault on his part, because of the impugned order. Therefore, only on the short ground that the impugned order has been passed without justifiable reasons and without an opportunity to the petitioner for rejection of his application to the understanding of anyone, the impugned order stands quashed. The matter is remitted back to the respondents to consider the application 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.



W.P.No.10984 of 2024

5. With the above direction, the writ petition stands disposed of. No

order as to costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
19.06.2024

ss

To

1. The District Collector
Tirupathur District 635 601
2. The Revenue Divisional Officer
Tirupathur Taluk
Tirupathur District 635 601
3. The Tahsildar
Tirupathur Taluk
Tirupathur District 635 601
4. The Revenue Inspector
Tirupathur Taluk
Tirupathur District 635 601
5. The Village Administrative Officer
Tirupathur Taluk
Tirupathur District 635 601



WEB COPY



W.P.No.10984 of 2024

S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

W.P.No.10984 of 2024

19.06.2024