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W.P.No.12321 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2024

CORAM :

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

W.P.No.12321 of 2024

C.Selvam .. Petitioner
v.

1. State of Tamil Nadu
rep.by the Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009

2. The Revenue Divisional Officer
Dharmapuri .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the online orders dated NIL rejecting Application Numbers TN-5202401061713, TN-5202401062065, TN-5202401061942 and TN-5202401062374 of the petitioner and quashing the same and directing respondent no.2 to consider the said applications of the petitioner in accordance with law and pass orders thereon within a reasonable time as may be fixed by the Hon'ble Court..

For Petitioner :: Mr.M.Radhakrishnan
For Respondents :: 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 orders rejecting the petitioner's online applications for issuance of community certificate and to quash the same by directing the second respondent to consider the applications for issuance of Kurumans-Scheduled Tribe community certificates to the petitioner and his three children.

2. The case of the petitioner is that he belongs to Kurumans-Scheduled Tribe community. The petitioner submitted applications to the second respondent dated 06.01.2024 thru' online for issuance of community certificates to the petitioner and his three children to the effect that they belong to Kurumans (ST) community. The petitioner has also given the family tree to connect the petitioner to the blood relative of the same family who had already obtained such community certificate. It is the specific case of petitioner that the community certificate issued to Mr.A.Raja of the same family that he belongs to Kurumans (ST) community was the subject matter of verification by the State Level Scrutiny Committee and the certificate is



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found to be genuine vide proceedings dated 27.03.2014. However, the applications submitted by the petitioner for issuance of community certificates has been rejected for the following reasons:-

“Based on VAO, RI, DT and Tahsildar remarks, this petitioner not enclosed parental community proof and genuineness and family tree.”

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

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 orders relying upon the reports of the VAO, RI and Revenue Tahsildar are arbitrary and the reports were 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 enquiry. Recently this Court in W.P.Nos.35555 of 2023 etc. dated 07.02.2024 (R.Devisri etc., etc., v. The Revenue Divisional



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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 it is admitted that the community status of petitioner's blood relative of the same family is verified/scrutinized by the State Level Scrutiny Committee that he belongs to Kurumans (ST) community, the same is binding on the second respondent and therefore the rejection of petitioner's online applications cannot be sustained. Therefore, the impugned orders are set aside and the matter is remitted to the second respondent to consider the applications 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 subject matter of verification by the State Level Scrutiny Committee vide proceedings dated 27.03.2014, and by considering the documents that are filed in support of his applications. The second respondent shall pass a speaking order after holding enquiry and giving opportunity to the petitioner



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within a period of six weeks from the date of receipt of a copy of this order.

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The writ petition stands disposed of accordingly. No costs.

Index : yes/no
Neutral citation : yes/no

(S.S.S.R.,J.) (N.S.,J.)
04.07.2024

SS

To

1. The Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai 600 009
2. The Revenue Divisional Officer
Dharmapuri



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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