



W.P.No.12325 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

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K.Aishwarya .. 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 order rejecting Application Number TN-5202312265939 of the petitioner and quashing the same and directing respondent no.2 to consider the said application 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.)

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 second respondent to consider the application for issuance of Kurumans-Scheduled Tribe community certificate to the petitioner.

2. The case of the petitioner is that she belongs to Kurumans-Scheduled Tribe community. The petitioner submitted application to the second respondent dated 26.12.2023 thru' online for issuance of community certificate to the petitioner to the effect that she belongs to Kurumans (ST) community. The petitioner has also given the community certificate issued to her mother. However, the application submitted by the petitioner for issuance of community certificate has been rejected for the following reasons:-

“Based on VAO, RI, DT and Tahsildar remarks, this petitioner not enclosed genuineness of her mother community certificate



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and family tree.”

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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 order relying upon the reports of the VAO, RI and Revenue Tahsildar are arbitrary and the report 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 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



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therein. In the case on hand, when it is admitted that the petitioner's mother has been issued with the community certificate to the effect that she belongs to Kurumans (ST) community, the same is binding on the second 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 second respondent to consider the application of the petitioner afresh after affording adequate opportunity to the petitioner and by considering the documents that are filed in support of her application. The second respondent shall pass a speaking order after holding enquiry and giving opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of this order. 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



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To

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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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