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W.P.No.15108 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM :

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

W.P.No.15108 of 2024

A.Elakkiyavasan .. Petitioner

v.

The Revenue Divisional Officer
Sathuvachari, Vellore 632 009 .. 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 Number in TN-52023120610329 dated NIL quash the same and direct the respondent to issue online community certificate to the petitioner that he belongs to Kattunayakan (ST) Community based upon the community certificate already issued to the petitioner and his family members.

For Petitioner :: Mr.S.Doraisamy

For Respondent :: Mr.G.Nanmaran
Special 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 order rejecting the petitioner's online application for issuance of community certificate and to quash the same by directing the respondent to issue online community certificate to the petitioner showing that he belongs to Kattunayakan (ST) Community based upon the community certificate already issued to the petitioner and his family members.

2. The case of the petitioner is that he belongs to Kattunayakan community, which is notified as a Scheduled Tribe. The petitioner relied upon the certificates issued to the petitioner's father by the Tahsildar in 1980 and 1987. It is his specific case that the community status of his father was verified by the State Level Scrutiny Committee on 29.01.2009 and it was found that the certificate obtained by his father is genuine and that his father belongs to Kattunayakan (ST) community. The respondent issued the community certificates to the petitioner and his two sisters on 01.06.2009. However, the petitioner, for the purpose of his employment, applied through



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online on 06.12.2023 for issuing the online community certificate. The petitioner also preferred a manual application to the respondent on 08.02.2024. The petitioner's case is that he submitted several documents along with his application. However, the respondent rejected the application for the following reasons:-

“The application for community was rejected based on the Anthropologist report dated 28/2/2024. Keeping the ethnographic details enquired, during my field enquiry, the petitioner does not reveal the cultural traits of the community Kattunayakan.”

3. The learned counsel appearing for the petitioner states that rejection of the application is illegal and against the principles of natural justice. Though the impugned order refers to the anthropologist's report, it is contended by the petitioner's counsel that the report was not furnished to the petitioner and therefore the impugned order is in violation of the principles of natural justice.

4. Even though the learned counsel appearing for the petitioner raised



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several other points, 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 anthropologist's report are arbitrary and the report itself was not served on the petitioner. When the community status of petitioner's father is verified/scrutinized by the State Level Scrutiny Committee that he belongs to Kattunayakan (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 and the matter is remitted to the respondent to consider the online application of the petitioner afresh and in accordance with law, taking into consideration the order of State Level Scrutiny Committee vide proceedings dated 29.01.2009 relied upon by the petitioner and the fact that the petitioner had already been issued the community certificate in tune with his claim in the present application.

5. When community certificates are applied either in the prescribed format or for issuance of online certificate for the purpose of employment, the same shall be considered in the light of previous certificate. Since the



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Hon'ble Supreme Court and this Court have made a distinction between the genuineness of the certificate and the genuineness of the claim as to the community status of an individual, the respondent is expected to act on the basis of previous certificates. When the community status of one's father or brother is decided by the State Level Scrutiny Committee in the case of Scheduled Tribe and by the District Level Vigilance Committee in the case of Scheduled Caste, that is final and the respondent or anyone who is competent to issue the community certificate has no other option but bound to consider and issue the certificate. The scope of enquiry is to ascertain the genuineness of document produced by the applicant and to see whether any further appeal or writ petition is pending challenging the order of the State Level Scrutiny Committee. Since the facts are not seriously in issue before this Court, the respondent may pass appropriate orders, on verification of the genuineness of the documents produced before the respondent, within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, W.M.P.No.16404 of 2024 is closed. No order as to costs.

Index : yes/no

(S.S.S.R.,J.)

(N.S.,J.)



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Neutral citation : yes/no

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To

1. The Revenue Divisional Officer
Sathuvachari, Vellore 632 009



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S.S.SUNDAR,J.

AND

N.SENTHILKUMAR,J.

SS

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