



W.P.No.30296 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.30296 of 2023

1.N.R.Sharmila
2.R.Santhosh Kumar

... Petitioners

Vs.

- 1.The Chairman,
State Level Scrutiny Committee and
Additional Secretary to Government,
Adi-dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Dharmapuri District, Dharmapuri – 5.
- 3.The Revenue Divisional Officer,
Dharmapuri Division, Dharmapuri – 5.
- 4.The Director of Medical Education,
Kilpauk, Chennai – 600 010.
- 5.The Dean,
Government Erode Medical College & Hospital,



W.P.No.30296 of 2023

Perunthurai, Erode – 638 053.

... Respondents

WEB COPY

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent herein to send Genuineness Certificate to the 5th respondent herein in respect of the Community Certificates issued to the petitioners by 3rd respondent herein that they belong to Hindu “Kurumans” (ST) Community within a limited time frame as deemed fit by this Court by considering the letter of the 5th respondent in his Ref.No.457/Ma.Ka.2/2023 dated 25.08.2023 sent to the 1st respondent and the petitioner's representation dated 10.09.2023 in accordance with law.

For Petitioner : Mr.R.Thamaraiselvan

For R1 to R3 : Mr.R.Vigneshwaran
Government Advocate

For R4 and R5 : No appearance

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus to direct the 1st respondent herein to send Genuineness Certificate to the 5th respondent herein in respect of the Community Certificates issued to the



W.P.No.30296 of 2023

petitioners by 3rd respondent herein that they belong to Hindu "Kurumans"

WEB CO (ST) Community within a limited time frame.

2.The petitioners state that they belong to "Kurumans" Community, which is a community listed under Scheduled Tribes. They also obtained Community Certificate on 06.08.1995 from the Revenue Divisional Officer, Dharmapuri. It is the case of the petitioners that their father and their paternal aunt were also given Community Certificates to show that they belong to "Kurumans" Community. The petitioners got admission into Medical College on the basis of their Community Certificate and they are at present studying in Government Medical College, Erode. Even though the petitioners are now doing 3rd year, it appears that the 5th respondent, by a letter to the 1st respondent, called for a report as to the genuineness of the certificate issued to the petitioners and to verify whether they belong to a Scheduled Tribe Community as claimed by them. The case of the petitioners is that the petitioners' father and paternal aunt have already got a Community Certificate to show that they belong to "Kurumans" Community. However, the respondents, knowing that the petitioners'



W.P.No.30296 of 2023

certificates are genuine, have unnecessarily initiated proceedings for verification. Therefore, the petitioners seek for issuance of Writ of Mandamus which is in the nature of stalling the proceedings.

3.Learned counsel appearing for the petitioners relied upon a Government Order in G.O.(Ms).No.104, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 21.08.2023, wherein, it is stated that no re-verification is required with regard to the caste certificates of the candidates, when the social status or caste certificates with respect to the candidates' father or mother or siblings had already been verified by the Scrutiny Committee and it has been held that their community status as per the certificate is genuine.

4.However, the learned counsel for the petitioners admitted before this Court that the petitioners' father's certificate was not subjected to any verification process. Therefore, the clause in the Government Order relied upon by the learned counsel, is not applicable to the facts. The community status of the petitioners who have secured admission on the basis of their



W.P.No.30296 of 2023

claim that they belong to "Kurumans" community, can be verified by the competent State Level Scrutiny Committee, as per the directions of the Hon'ble Supreme Court in *Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others* reported in *(1994) 6 SCC 241*, which has been followed in several other cases by the Hon'ble Supreme Court as well by this Court. Therefore, this Court cannot issue a Writ of Mandamus to direct the 1st respondent to issue Genuineness Certificate to the 5th respondent.

5.However, the 1st respondent/State Level Scrutiny Committee, which is competent to verify the community status of the petitioners, is directed to verify the genuineness of the Community Certificates issued to the petitioners and their claim as to their community status that they belong to "Kurumans" Community, as per the directions of the Hon'ble Supreme Court and by following the procedure, within a period of six months from the date of receipt of a copy of this order. Till such time the enquiry as to the genuineness of the Community Certificates or their claim is completed and final orders are passed, the petitioners are permitted to undergo their



W.P.No.30296 of 2023

studies without any restrictions and the respondents need not stall them from writing examinations.

6. With the above directions, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (N.S., J.)
05.04.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



W.P.No.30296 of 2023

To
WEB COPY

- 1.The Chairman,
State Level Scrutiny Committee and
Additional Secretary to Government,
Adi-dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The District Collector,
Dharmapuri District, Dharmapuri – 5.
- 3.The Revenue Divisional Officer,
Dharmapuri Division, Dharmapuri – 5.
- 4.The Director of Medical Education,
Kilpauk, Chennai – 600 010.
- 5.The Dean,
Government Erode Medical College & Hospital,
Perunthurai, Erode – 638 053.



WEB COPY



W.P.No.30296 of 2023

S.S. SUNDAR, J.
and
N. SENTHILKUMAR, J.

mkn

W.P.No.30296 of 2023

05.04.2024