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WP.Nos.35555, 35558 & 35559/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

WP.Nos.35555, 35558 & 35559/2023

R.Devisri

.. Petitioner
in WP.No.35555/2023

R.Deivaseelan

.. Petitioner
in WP.No.35558/2023

P.Ramakrishnan

.. Petitioner
in WP.No.35559/2023

Versus

The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

.. Respondent in
all the Writ Petitions

Common Prayer in WP.Nos.35558 & 35559/2023:- Writ Petitions filed under Article 226 of the Constitution of India, praying for a writ of mandamus directing the respondent herein to issue Community Certificate to the petitioners that they belong to Kurumans [ST] Community by considering the petitioners online application Numbers TN 5202311034410



WP.Nos.35555, 35558 & 35559/2023

[WP.No.35558/2023] and TN 5202311033488 [WP.No.35559/2023] dated 03.11.2023 based upon the community certificate issued to the petitioner's [WP.No.35559/2023] own brother's son namely Rajaram under the proceeding No.18810/CV-3[2]/2015-4 dated 03.01.2022 by the State Level Scrutiny Committee II.

Prayer in WP.No.35555/2023:- Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the online rejection order passed in Application No.TN-5202311035310 dated NIL and quash the same and consequently direct the respondent to issue community certificate to the petitioner that she belongs to "Kurumans" [ST] Community based upon the community certificate issued to the petitioner's father's own brother's son namely Rajaram under the proceeding No.18810/CV-3[2]/2015-4 dated 03.01.2022 by the State Level Scrutiny Committee II.

For Petitioners in
all the Writ Petitions : Mr.V.B.Thirupathi Kumar

For Respondent in all
the Writ Petitions : Mrs.V.Yamuna Devi
Spl.Govt.Pleader



WP.Nos.35555, 35558 & 35559/2023

ORDER

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[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The petitioner in WP.No.35559/2023 is the father and the petitioners in WP.Nos.35555 and 35558/2023 are the daughter and son of petitioner in WP.No.35559/2023.
- (2)All the three of them are the permanent residents of Thoppur Taluk, Kanikaralli Post, Dharamapuri District.
- (3)It is the case of the petitioners that they belong to Kurumans community which is classified as Scheduled Tribe community. The petitioner in WP.No.35559/2023 states that he is an agricultural coolie and therefor, did not apply nor require the community certificate. However, he states that he realized the need for him to get the community certificate and applied through online vide application dated 03.11.2023. Similar applications were also submitted through online by the petitioners in WP.Nos.35555 & 35558/2023 who are none else than the daughter and son of the petitioner in WP.No.35559/2023.



WP.Nos.35555, 35558 & 35559/2023

(4) It is the common case of all the petitioners that they have enclosed relevant documents for issuance of community certificate. It is their case that School records of the son and daughter of the petitioner in WP.No.35559/2023 and the community certificate issued to the son of the brother of the petitioner in WP.No.35559/2023 was also enclosed. Since the petitioners have produced the relationship certificate and the community certificate issued to the brother's son of the petitioner in WP.No.35559/2023, the contention of the petitioners in all the three cases is that the respondent herein, without enquiring the petitioners or conducting a field enquiry, has rejected the application submitted by the petitioner in WP.No.35555/2023, who is none else than the daughter of the petitioner in WP.No.35559/2023 simply on the ground that the petitioner had not enclosed her parents' community certificate. Hence, the petitioner in WP.No.35555/2023 has filed the said writ petition to quash the rejection order passed in Application NO.TN-5202311035310 dated NIL and consequently, to direct the respondent to issue community certificate to her on the basis of the community certificate issued to her cousin Rajaram vide proceeding dated 03.01.2022.



WP.Nos.35555, 35558 & 35559/2023

(5)The other two writ petitions have been filed by the father and son for issuance of a writ of mandamus to direct the respondent to issue community certificates to them that they belong to Kurumans [ST] community.

(6)Heard the learned counsel appearing for the petitioners in all the above writ petitions and the learned Special Government Pleader appearing for the respondent.

(7)The petitioners have produced before this Court, the proceedings of the Tamil Nadu State Level Scrutiny Committee dated 03.01.2022 showing that the community status one Rajaram, son of the brother of the petitioner in WP.No.35559/2023, has been confirmed as "Kurumans", a Scheduled Tribe community. The verification done by the 1st respondent / SLSC was on the basis of several documents produced by the said individual. The common case of the petitioners is that the said Rajaram is none else than the brother's son of Mr.Ramakrishnan, petitioner in WP.No.35559/2023. They have also annexed the relationship certificate and a few documents.



WP.Nos.35555, 35558 & 35559/2023

WEB COPY

(8) Whenever an application is considered manually, this Court is able to appreciate that the order would be informed by reason and reflecting the nature of enquiry conducted by the concerned officer, before passing the order either granting or rejecting the community certificate to the individual. This Court, considered the scope of online applications and how they are supposed to be dealt with.

(9) This Court, vide order dated 12.09.2023, in q writ petition filed by one Rajagopal in WP.No.26186/2023, has considered the procedure that was prescribed for issuance of SC/ST certificates both manually as well as through on-line and the Secretary to Government, Revenue Department as well as the Secretary to the Government, Adi Dravidar Welfare Department were directed to ensure in future, the online/web based applications are not rejected mechanically and the procedure contemplated for traditional/manual methods insofar as it relates to the options for disposal of the application is adopted at least in case of rejection of online / web based applications.

(10) For convenience, the procedure for issuance of SC/ST certificates by manual method, is also referred to in the said order, which reads as



follows:-

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3.9. Procedure for Issuance of Scheduled Caste/Scheduled Tribe Certificates.- A. Traditional/Manual Method. -

(1) *The application for grant of social status certificate shall be made to the Tahsildars (in case of Scheduled Castes) and Revenue Divisional Officers/SubCollectors/Assistant Collectors/Personal Assistant (General) to Collector of Chennai (in case of Scheduled Tribes).*

(2) *The authority competent to issue the community certificate, on receipt of the application, shall investigate the application in an open and transparent fashion, affording opportunity of hearing.*

(3) *On receipt of the application from the candidate, the competent Revenue officer authorized for issuing Scheduled Caste and Scheduled Tribe Community Certificates shall himself visit the candidate's local place of residence and make enquiries with the candidates; his parent/guardian; blood relatives; local residents (tribes and non-tribes); such other person who have knowledge of the social status of the candidate, local revenue officers such as*



WEB COPY



WP.Nos.35555, 35558 & 35559/2023

VAO, Ri; etc., in an open and transparent fashion.

(4) On completion of due inquiry and proper verification of records/documents collected during the field enquiry, the above authority has the following three options for disposal of such applications:-

i. The competent authority (RDO/Tahsildar) can issue the certificate applied for, if he is fully satisfied.

ii If it is found after due inquiry that the request is not feasible of compliance, the competent authority can reject it and issue a speaking order to the applicant and close the papers.

iii. If the application is submitted with insufficient details or if it is found that additional details are required after inquiry, the authority can direct the applicant to renew the request with full details in a complete shape and close the papers.

(5) In the cases, where the issuing authority is fully satisfied that the claim of the candidate or parent or guardian, as the case may be, that he belong to that community is correct, the above authority shall issue the permanent Community Certificate card to the candidate concerned.



WEB COPY



WP.Nos.35555, 35558 & 35559/2023

(6) The competent authority while issuing community certificate, should consider the Scheduled Tribe community issued in favour of the parents and close relatives of the applicants, subject to verification of the relationship and until the above Scrutiny Committee, the competent authority should accept the same and issue Scheduled Tribe Community Certificate to the applicants."

(11)A direction is also given by this Court to the Secretaries of Revenue Department and Adi Dravidar Welfare Department to ensure that the online applications are disposed of on merits.

(12)This Court in several cases, had allowed the writ petitions challenging the orders where the applications for community certificate applied through online is rejected mechanically for reasons which no one can understand. Therefore, the order impugned in the writ petition in WP.No.35559/2023 is liable to be set aside.

(13)In the result, all the writ petitions are **allowed** and the impugned order in WP.No.35555/2023 dated NIL rejecting the online application No.TN-5202311035310 is **set aside**. The respondent is directed to consider the



WP.Nos.35555, 35558 & 35559/2023

WEB COPY

applications submitted by the petitioners in the writ petitions after holding an enquiry and considering the documents that are filed in support of the applications if necessary, by making a field inspection as directed by this Court in several orders and the order relied on by the petitioners passed by the 1st respondent / SLSC dated 03.11.2022 may also be considered on satisfaction of proper proof of relationship between the petitioner in WP.No.35559/2023 and the said Rajaram who is the applicant before the 1st respondent / State Level Scrutiny Committee. A speaking order shall be passed by the respondent after holding enquiry and giving opportunity to the petitioners within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

(14)[SSSRJ] [NSJ]
07.02.2024

AP

Internet: Yes

Index : Yes / No

Neutral Citation: Yes/ No

To

The Revenue Divisional Officer

Dharmapuri, Dharmapuri District.



WEB COPY



WP.Nos.35555, 35558 & 35559/2023

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

AP

WP.Nos.35555, 35558 & 35559/2023

07.02.2024

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