



W.P(MD)No.5418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5418 of 2024

M.Vijayakumar

... Petitioner

Vs.

1.The Director / Commissioner of Technical Education,
Directorate of Technical Education,
53, Sardar Patel Road, Anna University,
Guindy, Chennai - 600 025.

2.The Revenue Divisional Officer,
Rajapalayam Taluk,
Virudhunagar District.

3.The Principal,
P.S.R.Polytechnic College,
Sevalpatti, Sivakasi,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing 1st respondent to instruct the 3rd respondent to modify the petitioner's community in the Transfer Certificate as Indian, Hindu, Malakkuravan, 'ST' instead of Indian, Hindu, Kuravan 'SC' on the basis of the Community Certificate issued by the 2nd respondent infavour of the petitioner dated 01.06.2015 within a stipulated time fixed by this Court.



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For Petitioner : Ms.J.Balameenakshi

For Respondents : Mr.M.Sarangam,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The prayer in the writ petition is that the third respondent should issue a revised transfer certificate in respect of the petitioner's community status.

3.The petitioner belongs to Malakkuravan community. It appears that there was some dispute regarding the status of the said community. According to some, it should come under scheduled caste category. In fact, the community certificate originally produced by the petitioner indicated that he belonged to scheduled caste category. But the latest certificate issued in favour of the petitioner shows that the petitioner belongs to scheduled tribe category. The learned counsel for the petitioner draws my attention to G.O.Ms.No.1773, Social Welfare Department dated 23.06.1984. According to which, Malakkuravan would come under scheduled tribe category.



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4.The third respondent cannot be blamed. They had acted based on the certificate originally produced by the petitioner himself.

5.The petitioner's apprehension appears to be that because of this discrepancy in the community status, he may face difficulty in future.

6.Since the latest certificate produced by the petitioner indicates that the petitioner belongs to Malakkuravan community which has been recognized as scheduled tribes, the petitioner is very much a scheduled tribe. The fact that there is some discrepancy in the transfer certificate issued by the third respondent shall not come in the way and that shall be ignored.

7.With this observation and declaration in favour of the petitioner, this writ petition is disposed of. No costs.

03.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Director / Commissioner of Technical Education,
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