



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 32982 of 2024

AND

WMP Nos. 35775 & 35777 of 2024

V.Venkatesan

Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep. by its Secretary To Government
Adi Dravidar and Tribal Welfare
Department, Secretariat, Fort St.
George, Chennai 600 009.

2.The District Collector
Tiruvannamalai District,
Tiruvannamalai 606 601

3.The Revenue Divisional Officer
Tiruvannamalai Division,
Tiruvannamalai,
Tiruvannamalai District 606 601

4.The Tahsildar
Tiruvannamalai Taluk,



Tiruvannamalai,
Tiruvannamalai District 606 601

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Respondent(s)

WP No. 32982 of 2024

PRAYER

Call for the records on the file 3rd Respondent comprised in community certificate No.TN-520220411671 dated 12.04.2022 and quash the same and consequently directing the 3rd respondent herein to issue community certificate to the petitioner who belonged to Hindu Kurumans which is recognised as Scheduled Tribe as per the Scheduled Case/Scheduled Tribes orders (Amendment) Act 1976 vide serial No.18 in the light of guidelines issued by the Hon'ble Supreme Court in JT 1994 (5) SC 488 dated 02.09.1994 in the case of Kumari Madhuri Patil and also as per order of Division Bench of this Hon'ble Court dated 21.12.2015 made in W.P.No.30368 of 2015.

WP No. 32982 of 2024

For Petitioner(s): Mr.J.Selvarajan

For Respondent(s): Mr.Vadivelu Deenadayalan AGP

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The community certificate issued by the 4th respondent dated 12.04.2022 is sought to be assailed in the present writ proceedings. The impugned community certificate reveals that the petitioner belongs to Hindu Kurumba

Community, which is a Most Backward Class (MBC) community as per the



Government notification.

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2. Challenging the said community certificate, the petitioner raised a contention that he belongs to Hindu Kurumans Community, which is classified as a Scheduled Tribe in the Government notification. Since the community certificate was allegedly erroneous and the petitioner is constrained to move the present writ petition.

3. The learned counsel for the petitioner would submit that the father of the petitioner belongs to Hindu Kurumans Community, which is classified as Scheduled Tribe and the community certificate issued to the petitioner on 12.04.2022 was wrongly issued. The application filed by the petitioner to issue Scheduled Tribe certificate has not been considered and therefore, the present writ petition is to be considered.

4. The learned Additional Government Pleader appearing on behalf of the respondents based on the written instructions from the Revenue Divisional



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Officer (RDO), Thiruvannamalai would submit that the impugned community certificate was not issued to the petitioner for the first time. In fact, a community certificate stating that the petitioner belongs to Hindu Kurumbar Community (Most Backward Class) was initially issued on 10.07.2008 itself. Later, the petitioner submitted another application on 02.07.2022, a community certificate was issued, again stating that the petitioner belongs to Hindu Kurumba Community (Most Backward Class). However, on verification, the authorities found that the petitioner failed to produce any acceptable documents to establish that he belongs to Scheduled Tribe Community. Consequently, his application seeking Scheduled Tribe community certificate was rejected on 15.07.2022. Nevertheless, the petitioner challenged the community certificate itself.

5. Heard the parties.

6. The writ petitioner suppressed the fact that he has obtained a community certificate from the competent authority on 10.07.2008, which states



that he belongs to Hindu Kurumbar (MBC). Further, he has not stated anything about the rejection of application on 15.07.2022.

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7. High Court cannot adjudicate the disputed facts relating to community or regarding the issuance of community certificate, which is to be granted based on the evidences and by conducting an inquiry. The authorities found that the petitioner has not produced any valuable documents to establish that he belongs to Scheduled Tribe Community.

8. This Court is of the considered opinion that once a community certificate was issued by the competent authority in the year 2008, stating that petitioner belongs to Most Backward Community (MBC), there is no valid basis for entertaining a subsequent application and issuing another community certificate on 12.04.2022.

9. The repeated issuance of community certificates by competent authorities can lead to anomalous situations, where there is a possibility of



procuring false community certificates. To prevent this, a foolproof system should be made available to ensure that the community certificates are issued only once to the candidates. Thereafter, if any grievances arise, only appeals alone should be entertained and re-issuance of community certificate by the same authority should not be allowed.

10. This Court is witnessing numerous instances, where community certificates are issued lucidly by the authorities, based on inadequate inquiry or investigation, resulting in ineligible individuals availing benefits accorded to Scheduled Caste (SC) and Scheduled Tribe (ST) Communities. The benefit is to be extended only to the genuine persons, who belongs to SC or ST Communities. Any attempts by any other persons to secure such certificates would defeat the very purpose of the Reservation Policy.

11. The Government is expected to be cautious and in the event of issuing any repeated or false community certificate, all suitable actions are to be initiated against the Officials, who issues such certificates without verifying



whether a certificate was previously issued to the applicant or not. The

authorities, on receipt of an application, at the first instance, must verify,

whether the applicant has already been issued a community certificate.

However, such verifications are often not conducted.

12. Therefore, this Court is of the considered opinion that the respondents 1 and 2 shall issue appropriate instructions/circulars to all the subordinate authorities, emphasizing;

- (1) Non-entertainment of multiple community certificates.
- (2) Prosecution and disciplinary actions are to be initiated against the officials responsible for erroneous issuance of community certificates.

13. In the present case, the petitioner was issued with a community certificate in the year 2008 itself and he suppressed the said fact in the present writ petition and before the authorities. He then obtained another community certificate on 12.04.2022. That community certificate came to be challenged in the present writ proceedings. Therefore, the petitioner is not entitled for any



relief from the hands of this Court.

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14. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous petitions are closed. No costs.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

25-02-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



WP No. 32982 of 2024

WEB COPY

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**S.M.SUBRAMANIAM
J.
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