



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2025

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 35356 of 2024

and

W.M.P.No.38236 of 2024

T.Keerthi,
D/o.Tamilselvan, 2nd Floor, Sathayam
Tower, Gandhiji Street, Karmal School
Opposite, Karur Bypass Road,
Kollampalayam, Erode- 638 002.

Petitioner(s)

Vs

1. The District Collector,
Erode, Erode District.

2.The Tahsildar,
Erode, Erode District.

3.The Revenue Tahsildar,
Erode, Erode District.



Respondent(s)

PRAYER Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of Certiorarified mandamus, to call for the records in O.Mu No. 5885/ 2024 /A1 dated 08.10.2024 passed by the 3rd respondent in accordance with the G.O. (Ms) No.08 of 2021 dated 09.02.2021 by the Government of Tamil Nadu and to quash the same and further to direct the 1st respondent to take appropriate action on the representation dated 30.09.2024 within a prescribed period.

For Petitioner(s): Mr.M.Kannan

For Respondent(s): Mr.A.Selvendran
Special Government Pleader

ORDER

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

The proceedings of the Tahsildar / second respondent dated 08.10.2024, rejecting the application submitted by the petitioner to convert the community from Most Backward Class (Sengunthar) to Scheduled Caste (Adi Dravidar) is sought to be assailed in the present writ proceedings.

2. The petitioner states that the marriage between her father and the mother was solemnised in the year 2005. The father of the petitioner belongs to Sengunthar Caste, which is notified as Backward Class Community and the



mother of the petitioner belongs to Adi Dravidar Caste, which is notified as

Scheduled Caste Community. The marriage between the father and the mother

of the petitioner is intercaste marriage.

3. Admittedly, the petitioner obtained a Community Certificate issued by the competent Authority in Certificate No.TN-5201904086333 dated 28.04.2019, stating that the petitioner belongs to Sengunthar Caste i.e., Backward Class Community. The marriage between the father and the mother of the petitioner was dissolved *vide* judicial order dated 18.04.2013 by the Principal Subordinate Court, Krishnagiri. Thereafter, the petitioner is living with her mother. Thus, a fresh application has been submitted for change of community from Backward Class community to Scheduled Caste community based on the community of the mother of the petitioner. The Tahsildar rejected the application mainly on the ground that the Community Certificate has already been issued to the petitioner. Therefore, it cannot be changed.



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4. The learned Counsel appearing on behalf of the petitioner would mainly contend that the marriage between the mother and the father of the petitioner has been dissolved and therefore the petitioner is entitled to seek fresh Community Certificate based on the mother's community.

5. This Court has examined the Government Orders relating to issuance of Community Certificate. More specifically, children born to inter-caste married couple and regarding determination of community, the Government issued G.O.Ms.No.477, Social Welfare Department, dated 27.06.1975 and reads as under:

GOVERNMENT OF TAMIL NADU

ABSTRACT

Children born to inter-caste married couple - Determination of Community - Orders - Issued.

SOCIAL WELFARE DEPARTMENT

G.O.Ms.No.477

Dated 27.6.1975.

Order:-

The Government have been extending certain concessions to the members of Scheduled Tribes, Scheduled Castes and Backward Classes from time to time. A question has arisen about the determination of the community of the children born of inter-caste marriages.



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2. The Government after carefully examining the question, direct that the children born of inter-caste marriages, that is marriages-

- (i) between a person of a Scheduled Tribe and another of a Scheduled Caste or Backward Class or Forward Class;
- (ii) between a person of a Scheduled Caste and another of a Backward Class or Forward Class; and
- (iii) between a person of a Backward Class and of a Forward Class

shall be considered to belong to either the community of the father or the community of the mother according to the declaration of the parents regarding the way of life in which the children are brought up and that the declaration in respect of one child will apply to all children.

(BY ORDER OF THE GOVERNOR)

S.SATYABHAMA,
SECRETARY TO GOVERNMENT.

To
The Director of Backward Classes, Madras - 5.
The Director of School Education, Madras - 6.
The Director of Collegiate Education, Madras - 6 etc.,

/true copy/

6. The above Government Order in clear terms reiterates that the way of life in which the children are brought up and the declaration made at the time of obtaining Community Certificate is to be taken into consideration. The



declaration from the parents regarding the way of life, family status are to be furnished. Pertinently, the reservation under the Indian Constitution is meant for deserving people and based on the social status of the family in the society.

7. The said principle considered by the Government in G.O.Ms.No.477 has been reiterated in the subsequent G.O. issued in G.O.(MS)No.08, Backward Classes, Most Backward Classes & Minorities Welfare (BCC) Department dated 09.02.2021. Paragraph No.4 of the said Government Order reiterates that based on the declaration of the parent/s, Revenue Authorities are instructed to issue appropriate 'Community Certificates'.

8. In the present case, the declaration was already filed by the parents of the petitioner and Backward Class Community Certificate was issued in the year 2019. The said Community Certificate itself was obtained after dissolution of marriage between the father and mother of the petitioner. Therefore, the claim made by the petitioner is unsustainable and the ground relating to



dissolution of marriage between the parents are unavailable.

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9. Declaration regarding way of life and family status being paramount importance to assess the community of a person, once the declaration made before the competent Authority become final, it cannot be altered subsequently. The Authorities, therefore, are not empowered to issue Community Certificate changing the community of the persons, who have already obtained Community Certificate based on the declaration. Thus, the claim of the petitioner is stale and unacceptable and this Court do not find any infirmity in respect of the order impugned.

Accordingly, the Writ Petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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

05-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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