W.P.No.35997 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.No.35997 of 2024

V.Samburanam

.. Petitioner

v.

1. The District Collector
Tirupattur District
Tirupattur 635 601

2. The Revenue Divisional Officer
Tirupattur 635 601

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing No.Na.Ka.Pame.A1/76/2023 dated 24.05.2024 passed by respondent no.1 and quashing the same and directing respondent no.2 to issue "Kurumans" Scheduled Tribe Community Certificates to the petitioner's children viz., V.Kamalakannan and V.Dharani.

For Petitioner :: Mr.M.Radhakrishnan



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For Respondents :: Mr.A.Selvendran
Special Government Pleader

ORDER

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

The order of the District Collector dated 24.05.2024, rejecting the application submitted by the petitioner seeking Scheduled Tribe community certificate, is under challenge in the present writ proceedings.

2. The petitioner states that she belongs to “Kurumans” community, which is a Scheduled Tribe. She made an application on 11.01.2015 to the second respondent for issuance of Scheduled Tribe community certificate to her children V.Kamalakannan and V.Dharani on the basis of the community certificate of her own brother Mr.Thippannan and his son Mr.Narasimhan. The application submitted by the petitioner was rejected by order dated 30.01.2022. The petitioner preferred an appeal and the District Collector, Tirupattur confirmed the order of the original authority in proceeding dated 24.05.2024. Thus the present writ petition came to be instituted.



WEB COPY 3. Mr.M.Radhakrishnan, learned counsel appearing on behalf of the petitioner would mainly contend that when the brother of the petitioner and her brother's son secured the Scheduled Tribe community certificates stating that they belong to “Kurumans” community, the said benefit is to be extended to the petitioner also, by virtue of an order of this Court.

4. Mr.V.Selvendran, learned Special Government Pleader appearing on behalf of the respondents would oppose by stating that when the son of the petitioner has secured Most Backward Class certificate in the year 2009 and the said certificate is in force, now the petitioner, who is the mother, cannot claim Scheduled Tribe community certificate, which raises a doubt and therefore the authorities have conducted enquiry and found that the family of the petitioner did not belong to Kurumans-Scheduled Tribe community. Thus order of rejection is in consonance with the principles and the writ petition is to be rejected.

5. This Court considered the rival submissions made on behalf of the



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parties to the lis on hand. The Revenue Divisional Officer, Tirupattur rejected the original application filed by the petitioner seeking Scheduled Tribe community certificate. The said proceeding dated 31.03.2022 reveals that the petitioner was asked to appear before the Revenue Divisional Officer and submit the documents relied on by her. Enquiry notice was sent three times to the petitioner and she acknowledged the call letters. However, the petitioner failed to produce any document before the Revenue Divisional Officer, Tirupattur. Thereafter, the Revenue Divisional Officer conducted an independent enquiry to ascertain the community of the family of the petitioner. Accordingly, the Tahsildar, Tirupattur was directed to conduct an enquiry. The Tahsildar has stated in his report that the petitioner's son V.Kamalakannan had obtained a community certificate stating that he belongs to Hindu-Kurumba, which is a Most Backward Class community. The said certificate was issued to the petitioner's son in the year 2009 and continues to be in force. Secondly, the Tahsildar conducted enquiry with reference to the school records of the petitioner. The petitioner Mrs.V.Samburanam studied in Panchayat Union Primary School, N.M.Koil Circle, Tirupattur and the school records reveal that the petitioner belongs to



Most Backward Class community.

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6. As per the ruling in Maduri Patil's case, the petitioner has failed to submit any document to establish that she belongs to Kurumans-Scheduled Tribe community. Even during the course of enquiry, the petitioner has not produced any document before the Revenue Divisional Officer. It is recorded by the Revenue Divisional Officer that several opportunities were provided to the petitioner and no documents or explanations are submitted by the petitioner to establish that she belongs to Scheduled Tribe community. As per the school records, it is stated that the petitioner belongs to Most Backward Class community. Based on the enquiry and relying on the report of the Tahsildar, the Revenue Divisional Officer rejected the application submitted by the petitioner.

7. The petitioner preferred an appeal before the District Collector, Tirupattur. The District Collector also independently gone through the documents relied upon by the Tahsildar and even before the District Collector, the petitioner has not produced any document to establish that she belongs to Scheduled Tribe community. It is apparently clear that both

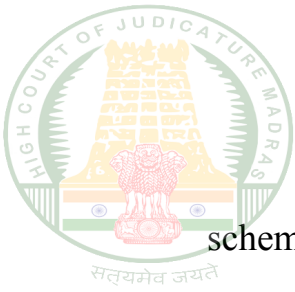


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before the original authority and before the appellate authority, the petitioner has not established that she belongs to Scheduled Tribe community.

8. The learned counsel for petitioner would furnish the community certificates secured by the son and grandsons of the petitioner's brother stating that they belong to Scheduled Tribe community.

9. This Court come across several such community certificates issued to some persons and based on the said certificate, their close relatives are also claiming Scheduled Tribe community certificate. There is a big racket going on in community certificate matters and the State Government has to initiate all appropriate actions to ensure that issuance of false/bogus certificates are stopped forthwith, failing which the very objective of reservations under the Indian Constitution will be defeated. The genuinity in the matter of grant of reservation under the Indian Constitution is to be protected. Only persons who are all genuinely Scheduled Tribe alone are entitled to avail the benefits of reservation in public employment, welfare



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schemes etc. Now people are tempted to secure Scheduled Tribe certificate

based on the certificate of their relatives and other persons. Such an approach of any person is to be thwarted and those persons who have obtained such false community certificates are liable to be prosecuted under the criminal law. Any false or bogus records relating to community certificate, more specifically, Scheduled Tribe is to be viewed seriously. These people are availing reservation and other benefits under various schemes and therefore the assessment or correctness of the certificate is to be verified by the competent authorities. Even if a reference certificate has been given to the authorities, the authenticity of those certificates are also to be verified and in the event of identifying that the said certificates are incorrect, bogus or otherwise, actions are to be initiated to cancel the community certificate and to prosecute those offenders who are involved in securing such bogus community certificates.

10. As far as the case on hand is concerned, the District Collector, Tirupattur is directed to issue necessary instructions to all the Revenue Divisional Officers/Tahsildars to ensure that the Scheduled Tribe



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community certificates issued in doubtful manner are reviewed and all appropriate actions are taken to ascertain the genuinity of the certificates. In the event of identifying such false or bogus certificates, criminal prosecution are to be launched. Regarding cancellation of such bogus or incorrect certificates, due procedures are to be followed as per law. With these observations, the writ petition stands dismissed. No costs.

Index : yes

Neutral citation : yes

(S.M.S.,J.) (K.R.S.,J.)

04.03.2025

SS

To

1. The District Collector
Tirupattur District
Tirupattur 635 601
2. The Revenue Divisional Officer
Tirupattur 635 601



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