

(2014) 10 MAD CK 0009
In the Madras High Court
Case No : Writ Petition No. 27455 of 2014

M. Gurubakkiam

APPELLANT

Vs

State Level Scrutinizing Committee

RESPONDENT

Date of Decision : 29-10-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 10 MAD CK 0009

Hon'ble Judges : M. Jaichandren, J;Aruna Jagadeesan, J

Bench : Division Bench

Judgement

M. Jaichandren, J.—Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner has stated that she is the eldest child of her parents late K. Mariappan and Manimegalai, who are belonging to "Kurumans" community, which is a Scheduled Tribe community. While so, the petitioner had made an application to the third respondent for the issuance of a community certificate stating that she belongs to the said Scheduled Tribe community. Based on the documents submitted by the petitioner and after an oral enquiry had been conducted the third respondent had passed an order, on 13.11.2008, rejecting the request of the petitioner. Thereafter, the petitioner had filed an appeal to the District Collector, Salem, challenging the order of the third respondent, dated 13.11.2008.

3. The petitioner had further stated that she had preferred a writ petition before this court, in W.P. No. 29314 of 2011, to call for and quash the order of the third respondent, dated 13.11.2008, and to direct the respondents to issue a community certificate to the petitioner stating that she belongs to "Kurumans" community. By an order, dated 5.12.2012, this court had passed an order directing the petitioner to file an appeal before the State Level Scrutiny Committee, within a period of four weeks from the said order. Even though the petitioner had filed an appeal before the State Level Scrutiny Committee, on

17.1.2013, no orders had been passed by the said committee, till date. In such circumstances, the petitioner had preferred the present writ petition before this court, under Article 226 of the Constitution of India.

4. At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the respondents had submitted that the order passed by the third respondent, dated 13.11.2008, may be set aside and the first respondent may be directed to consider the appeal filed by the petitioner, dated 17.1.2013, and pass appropriate orders thereon, by conducting a detailed enquiry and by giving an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, we are of the considered view that, in the given facts and circumstances, it would be appropriate to set aside the order passed by the third respondent, dated 13.11.2008, rejecting the claim made by the petitioner. Further, we find it appropriate to direct the first respondent herein, the State Level Scrutiny Committee, to consider the claims made by the petitioner, with regard to the issuance of the community certificate to her, without being influenced by the observations made by the third respondent, in his impugned order, dated 13.11.2008, by following the procedures established by law and by giving an opportunity of hearing to the petitioner, within a period of twelve weeks thereafter. The writ petition is disposed of, with the above directions. No costs.