

S. Chandrakumar Vs. the State of Tamil Nadu, Represented by the Commissioner and Secretary to Government, Social Welfare Department and ors.

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SooperKanoon Citation : sooperkanoon.com/824519

Court : Chennai

Decided On : Jul-20-1994

Reported in : (1994)2MLJ429

Appellant : S. Chandrakumar

Respondent : The State of Tamil Nadu, Represented by the Commissioner and Secretary to Government, Social Welfare

Judgement :

ORDER

C. Shivappa, J.

1. Petition is seeking for quashing an order dated 20.3.1987 and seeking for an opportunity to prove that he belongs to Konda Reddy community. The petitioner claims that he belongs to Scheduled Tribe community called Konda Reddy and a certificate was issued by the Tahsildar, Thuraiyur. On the basis of the certificate, after completion of the Pie-University education, petitioner joined medical course at Stanley Medical College. At the instance of the 4th respondent, a letter was written to the 2nd respondent to verify whether the petitioner belongs to Konda

Reddy community. When he was pursuing his studies, a letter was served on the father of the petitioner wherein it has been stated that it is decided to cancel the certificate of community issued by the 5th respondent. Though the petitioner engaged a counsel, the enquiry before 2nd respondent was postponed from 22.12.1986 to 2.3.1987 and later an adjournment was promised by the 2nd respondent so as to give him an opportunity to participate in the enquiry to establish that he belonged to Scheduled Tribe. Without further opportunity, an order was passed and served on the petitioner indicating that he failed to satisfy that he belonged to Scheduled Tribe. Consequently, the certificate issued by the 5th respondent was cancelled.

2. The contention of the petitioner is that he was not provided with sufficient opportunity to establish that he belongs to Konda Reddy community. The authorities should be vigilant to verify about the caste then and there, at least within a reasonable time. That has not been done. If that is so, the burden is on the respondents to establish that he does not belong to a particular community. In the impugned order, there is no reference that the copy of the report was served on the petitioner. The impugned order is set aside. The 2nd respondent is directed to provide an opportunity of being heard to the petitioner and also supply him a copy of the report and then to decide the community to which the petitioner belongs in accordance with law and as expeditiously as possible. The impugned order is quashed. The writ petition is allowed. Parties to bear their own costs.