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Many get false community certificates to take away opportunities of Scheduled Caste/ Scheduled Tribe candidates: Madras High Court raises concern



"By obtaining such false certificates, undeserving persons get unjustly enriched knocking away the rights of those belonging to SC/ST community," the Court observed.

The Madras High Court on Friday raised concerns about persons not belonging to the Scheduled Caste or Scheduled Tribe (SC/ST) communities procuring false SC/ST community certificates thereby taking away opportunities earmarked for the SC/ST communities, be it in elections, educational admissions or employment (**Nirguna v. The Chairman and ors**).

The interim order passed by a Bench of Justices N **Kirubakaran** and **TV Thamilselvi** further noted that by obtaining such false certificates, undeserving people get unjustly enriched by knocking away the Constitutional rights of SC/ST persons.

"Many persons, who do not belong to either Scheduled Caste or Scheduled Tribe, obtain fake certificates declaring their community status either as Scheduled Caste or Scheduled Tribe to enable them to contest in the elections to constituencies or local bodies reserved for SC or ST candidates or to seek admission in educational institutions in respect of seats meant for SC/STs or to get employment under SC/ST category violating the rights of deserving candidates belonging to SC/ ST community. **Many number of cases are coming up before this Court in which people belonging to other communities obtain false SC/ST community certificates from authorities, who also for various reasons, merrily issue such certificates, violating the constitutional rights of SC/ST people. By obtaining such false certificates, undeserving persons get unjustly enriched knocking away the rights of those belonging to SC/ST community,**" stated the order.

To curb such malpractices, the Bench asked the State government to respond to a suggestion made by the Court to nominate Revenue Divisional Officers in each district, who may be exclusively authorised to issue community certificates as well as income certificates and nativity certificates after due inquiry.

The order was passed in a case involving allegations that the President of a village in Krishnagiri district did not belong to the ST community, although he contested from a constituency exclusively reserved for the ST candidates.

The petitioner told the Court that the President-elect belonged to the Vakkaligar community and that he had gotten elected to the post after falsely declaring that he belonged to the ST community in his nomination form.

In this regard, reference was also made to information obtained under the Right to Information (RTI) Act from the Block Educational Officer, which described the candidate community status as Vakkaligar.

The petitioner, therefore, made a request for an enquiry into the matter. Whereas the District Collector was directed to conduct an enquiry into the petitioner's allegations and send a report by January 18, till date no such report had been furnished, the Court was told.

The petitioner had, therefore, moved the Court for relief.

The Court proceeded to ask the village president whose election has been questioned to prove his community status before the Court.

Given that the allegations raised by the petitioner involves a serious issue, the Court also suo motu impleaded the Secretary, Government of Tamil Nadu, Revenue Department to respond to the Court's proposal to nominate Revenue

Divisional Officers for the issuance of community certificates, nativity certificates and income certificates.

The Court also noted that in the past, there have been allegations of students being selected for medical admissions by obtaining dual nativity certificates thereby benefiting students from outside Tamil Nadu.

"The need has arisen for the State Government to nominate an officer, not below the rank of Revenue Divisional Officer, in each District, who alone shall be competent to conduct an enquiry and issue not only SC/ST community certificates, but also income certificates, nativity certificates, etc. **Nativity Certificates play an important role in getting medical admissions under the State Quota,**" the Court said.

Such an endeavour, if undertaken by the State Government, would go a long way in considerably reducing the malpractices in issuance of not only community certificates but also income certificates, nativity certificates etc., the Court observed.

Given that similar concerns were earlier raised in another pending 2017 case, the Bench also opined that both cases should be clubbed once appropriate orders are passed for the same by the Chief Justice.