

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 9.9.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.21518 of 2015

R.Shoba Karthik ... petitioner

versus

- 1 The District Level Scrutiny Committee Tanjore Collectorate Tanjore-613 001.
- 2 The District Level Scrutiny Committee cum District Collector Ariyalur Collectorate Ariyalur-621 704.
- 3 The Terriotyr Manager (LPG) Bharat Petroleum Corporation Ltd MGM TB Sanatorium Sengipatti Post office Tanjore District.
- 4 D.Pushpa Thangam ... respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorarified Mandamus Calling for the entire records relating to the proceedings in Na.Ka. No.M1/ 274/2011 dated 28.5.2015 passed by the 2nd respondent and quash the same and consequently direct the 1st respondent to conduct an enquiry and restore the petitioner earlier Community Status.

For petitioner : Mrs.Hema Sampath, Senior Counsel for Mr.S.Gunalan

For Respondents : Mr.N.Sakthivel, Government Advocate, for respondents 1 and 2
Mr.O.S.Karthikeyan, for 3rd respondent
Mr.A.S.Vijayaraghavan, for 4th respondent

O R D E R
(made by K.K.SASIDHARAN, J.)

The District Level Scrutiny Committee constituted by the Government of Tamil Nadu, without proper coram, passed an order dated 28 May 2015, cancelling the community certificate issued to the

petitioner with a view to comply with the direction in W.P.No.21584 of 2014 within the stipulated time.

2. Heard the learned counsel for the petitioner, learned Government Advocate appearing on behalf of respondents 1 and 2, the learned Standing Counsel for the 3rd respondent and the learned counsel for the 4th respondent.

3. The Tahsildar, Ariyalur, issued a community certificate to the petitioner pursuant to her application. The petitioner, on the strength of the said certificate, submitted an application for appointment as LPG dealer. The petitioner was selected by M/s.Bharat Petroleum Corporation as its LPG Dealer. The 4th respondent who was also an applicant, and placed second in the merit list, filed a Writ Petition in W.P.No.655 of 2013, to direct M/s.Bharat Petroleum Corporation to consider the representation submitted by her for cancellation of provisional selection on the ground that the petitioner was not entitled to apply under the reserved category. The Writ Petition was disposed of by this Court directing the second respondent to consider the matter. The second respondent, without the association of an anthropologist, considered the matter and declared that the certificate obtained by the petitioner is not genuine. It is the said order, which is challenged in this Writ Petition.

4. The counter affidavit filed by the District Collector, Ariyalur, clearly shows that Anthropologist was not a party to the decision making process. The Chairman and Member constituted the committee and considered the issue and the same resulted in declaring the certificate as not genuine. The impugned order also shows that the Committee took into account the certificates and report collected behind the back of the petitioner. The petitioner was not provided with copies of such reports. Moreover, opportunity of hearing was also not given to the petitioner. We are therefore of the view that the 2nd respondent was not correct in passing orders without the required coram and in violation of the principles of natural justice.

5. In the result, the impugned order dated 28 May 2015 is set aside and the matter is remitted to the second respondent for fresh consideration. The second respondent is directed to give an opportunity of hearing to the petitioner and pass appropriate orders on merits and as per law. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. The Writ Petition is allowed as indicated above. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

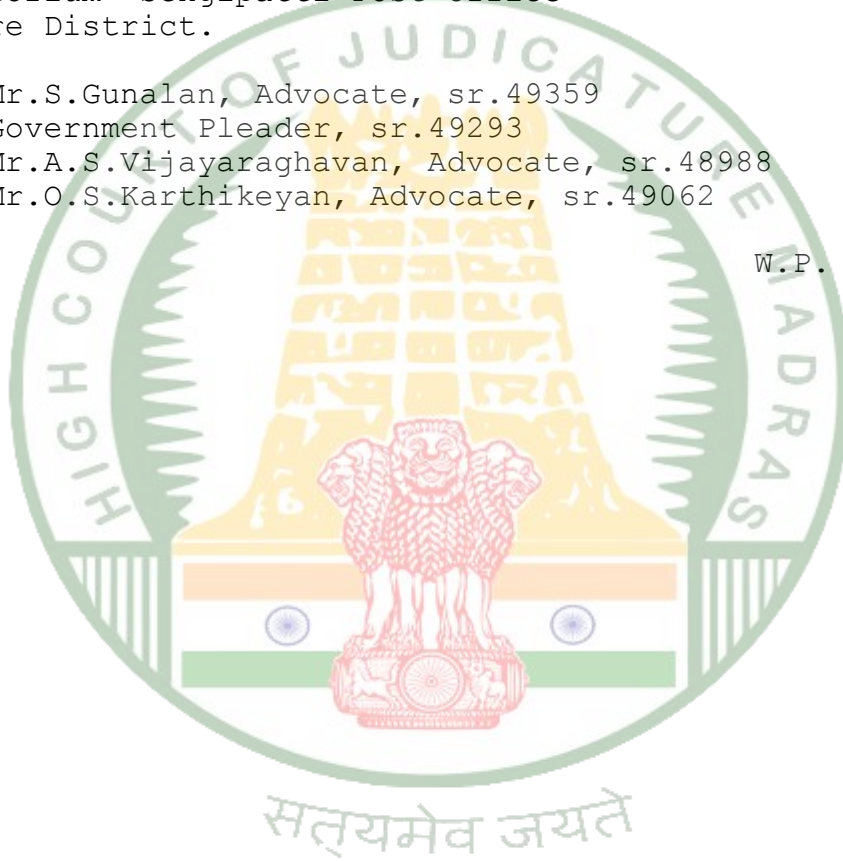
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To

- 1 The District Level Scrutiny
Committee Tanjore Collectorate
Tanjore-613 001.
 - 2 The District Level Scrutiny
Committee cum District Collector Ariyalur
Collectorate Ariyalur-621 704.
 - 3 The Terriotyr Manager (LPG)
Bharat Petroleum Corporation Ltd MGM TB
Sanatorium Sengipatti Post office
Tanjore District.
- +1 cc to Mr.S.Gunalan, Advocate, sr.49359
+1 cc to Government Pleader, sr.49293
+1 cc to Mr.A.S.Vijayaraghavan, Advocate, sr.48988
+1 cc to Mr.O.S.Karthikeyan, Advocate, sr.49062

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