

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.42575 of 2002

A.Palaniammal

... Petitioner

- Vs -

The District Collector
Tiruvannamalai

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of certiorari calling for the records of the respondent made in N4/8083/2002 dated 12.11.2002, deciding the petitioner as Hindu Vellala and to quash the same.

For Petitioner : Mr.Radha Gopalan
For Respondent : Mr. P.Sanjay Gandhi, AGP

ORDER

Complaint was given by one Rudharamurthi against the petitioner that she has obtained false community certificate though she belongs to the Forward Community. The complaint is to the effect that the petitioner has obtained certificate as Thuluva Vellala community and pursuant to the same got appointment as a Teacher. By impugned order, it was held that the petitioner belongs to the Forward Community, namely, Hindu Vellala community. Challenging the said order, the said writ petition has been filed.

2. The learned counsel for the petitioner has made only one submission. The Revenue Divisional Officer report which formed the basis of the decision of the respondent has not been furnished. Incidentally, it is submitted that the document produced by the petitioner is very old and the same has been wrongly recorded in the order impugned.

3. The learned Additional Government Pleader on instructions submitted that the petitioner has not sought for the report of the Revenue Divisional Officer. Therefore, no interference is required.

4. A perusal of the order impugned would show that the Revenue Divisional Officer has enquired number of persons apart from perusing relevant documents. The petitioner though was enquired while passing the impugned order was not given the copy of the report of the Revenue Divisional Officer. It is not the question whether the petitioner has asked for the report, but she is mandatorily entitled to it in tune with the principles of natural justice. The impugned order proceeds to state that the enquiry reveals that the petitioner belongs to Forward Community. When the Revenue Divisional Officer's report forms the basis and the respondent has not enquired anybody for coming to the conclusion other than the petitioner apart from relying upon the said report, then there is certainly a violation of principles of natural justice.

5. Accordingly, the order impugned is set aside and the matter is remitted back to the respondent for fresh consideration. The respondent is directed to give a copy of the report of the Revenue Divisional Officer to the petitioner and thereafter, conclude the proceedings. The said exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order.

6. Writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions is closed. No costs.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

The District Collector
Tiruvannamalai

+ 1 cc to Mrs.Radha Gopalan, Advocate SR 54571

+ 1 cc to Govt.Pleader SR 54720

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