

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:08.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Petition No.19181 of 2016

R.Baby Shanthi

...Petitioner

Vs.

1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.

2.The State Level Scrutiny Committee,
Rep. by its Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.

3.The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to place the community certificate of the petitioner dated 18.12.1980 before the State Level Caste Scrutiny Committee for verification and give a finding as per the application of the petitioner dated 16.12.2015.

For Petitioner : Mr.S.Doraisamy

For Respondents

R1 : Mr.P.S.Sivashanmugasundaram
Special Government Pleader

R2 : Mr.M.Palanimuthu

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

This writ petition is filed praying to issue a writ of Mandamus, directing the respondents to place the community certificate of the petitioner dated 18.12.1980 before the State Level Caste Scrutiny Committee for verification and give a finding as per the application of the petitioner dated 16.12.2015.

2. Heard the learned counsel for the petitioner, Mr. P. S. Sivashangmugasundaram, learned Special Government Pleader for the first respondent and the learned counsel for the second respondent. Considering the nature of prayer sought for in this writ petition, notice to the third respondent is dispensed with.

3. In the accompanying affidavit of the writ petition, it is averred that the petitioner belongs to Kattunayakan community which is treated as Scheduled Tribe Community. The petitioner has obtained community certificate from the Tahsildar, Thirumayam on 18.12.1980. Thereafter the petitioner was appointed as a Clerk in the third respondent Port Trust on 31.08.1989 through employment exchange. On the basis of the community certificate, the petitioner was promoted as Junior Administrative Officer in the year 2006 and his next avenue of promotion is Administrative Officer Class-I. But the said promotion is said to have been withheld by the third respondent for want of verification of the community certificate issued by the Tahsildar. In this regard, the petitioner has submitted a representation to the first respondent on 16.12.2015 to place his community certificate before the State Level Scrutinizing Committee, namely, the second respondent herein, to verify, scrutinize and to issue a proper verification certificate. But the second respondent has not yet chosen to do the needful and therefore, the petitioner's promotion has been kept pending for the past four years. Hence, the present writ petition has been filed.

4. In the above circumstances, this Court is of the considered view that it would be suffice to direct the second respondent to do the needful. Accordingly, the second respondent is directed to verify and scrutinize the community certificate of the petitioner and do the needful within a period of two months from the date of receipt of a copy of this order, if need be, after giving an opportunity of hearing to the petitioner.

5. With the above direction, this Writ Petition is disposed of. No costs.

cse

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
State of Tamil Nadu,
Secretariat, Chennai - 600 009.
2. The Chairman and Secretary to Government,
The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
3. The Traffic Manager,
Chennai Port Trust,
Chennai - 600 001.

+ 1 cc to Mr.S.Doraisamy, Advocate Sr 30479

+ 1 cc to The Govt. Pleader, Sr 30950

KR/20/6/16

W.P.No.19181 of 2016

सत्यमेव जयते

WEB COPY