

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM :

THE HONOURABLE MR. JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.4498 of 2015
and M.P.No.1 of 2015

L.Krishnan

..Petitioner

Vs

The Sub-Collector
Office of the Sub Collector
Gobichettipalayam

..Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified Mandamus to call for the records of the respondent by proceedings in Na.Ka.No.5343/2013 A4 dated 14.01.2015 and quash the same and consequently forbearing the respondent from conducting enquiry and verifying the community status of the petitioner.

For Petitioner : Mr.P. Saravanasowmiyan

For respondents : Mr.S.Pattabirman, Govt.Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate, appearing for the respondent.

2. The petitioner claims that he belongs to Konda Reddy Community (Scheduled Tribes) and was issued with a community certificate by the Head Quarters, Deputy Thasildar, Bhavani, on 23.08.1965. The petitioner was appointed as Assistant under ST quota on 12.06.1981 in the LIC of India. On the basis of the discreet enquiry, the petitioner's community certificate was cancelled by the Collector, Erode District in the year 1990. After several rounds of litigation, the verification of community certificate is pending before the State Level Scrutiny Committee, who referred the case to the respective Vigilance Cell. While being so, the respondent, by proceedings dated 14.01.2015 directed the petitioner to appear for enquiry on 27.01.2015, challenging which, the present Writ Petition is

filed.

3. After hearing submissions made on both sides, we hereby direct the petitioner to appear for enquiry before the respondent and put forth his claim and produce necessary documents substantiating his claim. The petitioner shall appear before the respondent on or before 30.12.2016. The respondent, is directed to investigate the application and the case regarding community certificate, in an open and transparent fashion, after affording opportunity of hearing to the petitioner, in which process, as repeatedly held by this Court, the candidate shall have full liberty to explain the documents placed by him or collected by the investigating agency and he shall have opportunity to cross examine the witnesses, if required. The entire exercise shall be completed by the respondent, as stipulated by the Supreme Court, in the case of Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and Others¹, (1994) 6 SCC 1, and pass necessary orders, within 2 months from the date of receipt of a copy of this order. Further the respondent shall also comply with the guidelines stipulated by this court in W.P.Nos.30368 and 31973 of 2015 dated 21.12.2015, dated 21.12.2015 in the case of G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee and Secretary to Government, Adi Dravidar and Tribal Welfare Department.

4. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Sub-Collector
Office of the Sub Collector
Gobichettipalayam

+1cc to Mr.Saravana Sowmiyan, Advocate, S.R.No.69563
+1cc to the Government Pleader, S.R.No.70225

rv(CO)
md(21/12/2016)

Writ Petition No.4498 of 2015