

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

CORAM

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

Writ Petition No.24165 of 2016

Bharat Petroleum Corporation Ltd.
rep. by its Chief Manager (ER) South ...Petitioner

Vs.

1.The Chairman,
Tamil Nadu State Level Scrutiny Committee &
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat,
Fort St. George, Chennai- 600 009.

2.P.Ramakrishnan ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to abide by the order of this court dated 15.02.2016 in WP.No.34491 of 2015 and to determine the community status of the second respondent within a period of three months.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

For R1 : Mr.P.S.Sivashanmuga Sundaram, SGP

ORDER

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

Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader, accepts notice for the first respondent. Notice to the second respondent is dispensed with. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent, the writ petition is taken up for final disposal at the admission stage itself.

2. Heard both sides and perused the available materials.

3. The petitioner has filed this Writ Petition seeking a Writ of Mandamus, to direct the first respondent to abide by the order of this Court dated 15.02.2016 in WP.No.34491 of 2015 and to determine the community status of the second respondent within a period of three months.

4. The second respondent herein is the petitioner in WP.No.34491 of 2015, which was filed to challenge the proceedings of the Tamil Nadu State Level Scrutiny Committee dated 31.08.2015, where under, the second respondent's application seeking Hindu Konda Reddy (ST) community certificate was rejected on the ground that sufficient material has not been produced. By order dated 15.02.2016, this Court, after hearing both sides, has allowed the writ petition by remanding the matter to the State Level Scrutiny Committee to examine the case afresh. For better appreciation, the relevant portions of the said order are extracted hereunder:

"5. Be that as it may, the course adopted by the respondents is not proper. The enquiry is required to be conducted in accordance with the guidelines laid down in Kumari Madhuri Patil (supra). It is further required that the vigilance enquiry is to be properly conducted, after giving an opportunity of hearing to the petitioner and a copy of the report is to be served on the petitioner to enable him to put forward his defence/representation. But, in the case on hand, no such course was adopted. Thus, the impugned proceedings is vitiated.

6. Resultantly, the impugned proceedings is quashed and the writ petition is allowed remanding the matter to the State Level Scrutiny Committee to examine the petitioner's case afresh in accordance with the guidelines laid down by the Supreme Court as well as this Court, as aforestated. No costs. Connected miscellaneous petitions are closed."

5. Now the grievance of the petitioner in this writ petition is that in the said order, there is no time limit prescribed for completion of the enquiry by the first respondent/State Level Scrutiny Committee, with regard to community status of the second respondent herein. Unless the community certificate issued by the authority is tested expeditiously, the petitioner Corporation would be put to grave prejudice in continuing the employment of the second respondent, who is not competent to claim reservation.

6. Considering the facts and circumstances of the case and also taking note of the grievance of the petitioner, we direct the first respondent / State Level Scrutiny Committee, to examine the genuineness and veracity of the community certificate of the second respondent and take a decision on merits and in accordance with law and also in the light of the order dated 15.02.2016 made in WP.No.34491 of 2015 passed by this Court, within a period of three months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1.The Chairman,
Tamil Nadu State Level Scrutiny Committee &
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat,
Fort St. George,
Chennai- 600 009.

+1cc to M/S.T.S.Gopalan & Co, Advocate SR.39341
+1cc to the Government Pleader Sr.39545

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W.P.No.24165 of 2016

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srg 01/08/2016

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