

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2016

CORAM

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

Writ Petition No.29432 of 2016

H.Rani

...Petitioner

Vs.

1.State of Tamil Nadu

rep. By its Secretary to Government  
Adi Dravidar and Tribal Welfare (CV2) Department  
Secretariat  
Chennai-600 009

2.State Level Scrutiny Committee

Rep. By its Chairman and Secretary to Government  
Adi Dravidar and Tribal Welfare (CV2) Department  
Secretariat  
Chennai-600 009

...Respondents.

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the petitioner's representation dated 28.04.2016 and re-verify her community certificate in the light of the Government order issued in G.O.Ms.No.106, Adi-Dravidar and Tribal Welfare (CV-I) Department dated 15.10.2012.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mrs.A.Srijayanthi, Spl.G.P.

O R D E R

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

Heard Mr.S.Doraisamy, learned counsel for the petitioner, and Mrs.A.Srijayanthi, learned Special Government Pleader, who accepts notice for Respondent Nos.1 and 2.

2. It is averred in the Writ Petition that the Writ Petitioner was working as Assistant Grade-I in the Food Corporation of India and on the verification of the community certificate produced by her, the 2<sup>nd</sup> respondent rejected the same

and terminated her services. According to the writ petitioner, her community viz., Kattunayakan community is the Scheduled Tribe Community and the certificate was issued by the Revenue Divisional Officer, Tindivanam on 05.08.1975. However, the 2<sup>nd</sup> respondent, without conducting a proper enquiry, rejected her case. Hence, she is before this court seeking direction to the 2<sup>nd</sup> respondent to consider her representation dated 28.04.2016 and pass necessary orders.

3. The learned counsel appearing for the petitioner sought to contend that the authorities while verifying the community certificates or scrutinizing the enquiry report might be cautious and circumspect but ought not reject the genuine case in which certificates are to be granted.

4. We have considered the averments made in the Writ Petition and the submissions made by the counsel for the petitioner. It is necessary in this regard to follow the judgment of the Division Bench of this Court 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 and accordingly, we direct the 2<sup>nd</sup> respondent to adhere the following guidelines while verifying the genuineness of the community certificate:-

" 29. From the aforesaid analysis, it is manifest that the authorities are required to investigate, identify and conduct the enquiry in the following manner:

i The authority competent to issue the community certificate, on receipt of the application, shall investigate the application in an open and transparent fashion, affording opportunity of hearing.

ii 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 at the earliest, preferably, within a period of three months.

iii On receipt of the community certificate issued by the competent authority, the candidate or any other party interested therein may refer the matter to the State Level Scrutiny Committee for verification.

iv On receipt of the application for verification, the State Level Scrutiny Committee shall refer the matter to the Vigilance Cell for enquiry.

v The Vigilance Cell, as constituted, shall investigate into the social status claim of the applicant, visiting the local place of residence and original place from which the candidate hails and usually resides. The Vigilance Officer, assisted by the Inspector of Police, shall verify all the documents and collect relevant facts in an open and transparent manner from all the relevant places such as school, locality, etc. and persons such as parents and close relatives and also examine the school officials, parents/guardians and other close relatives of the concerned caste. The Vigilance Cell shall also record the anthropological and ethnological traits and rituals, customs, mode of marriage and other ceremonies of the community claimed by the candidate. Thereafter, on receipt of explanation from the candidate, on a proper examination of the same, a reasoned report shall be submitted to the State Level Scrutiny Committee.

vi The State Level Scrutiny Committee, on receipt of the Vigilance Cell report, if it is found adverse, shall issue a show cause notice to the candidate with a copy of the report and all the documents submitted by the Vigilance Cell to the concerned candidate, calling upon him to file his reply/explanation/representation and also express his intention to examine witnesses, if necessary. In the event, the report supports the claim of the candidate, the State Level Scrutiny Committee shall not proceed further, but, to pass the order.

vii The State Level Scrutiny Committee, on completion of the enquiry, shall send a copy of the proceedings/order to the candidate within a period of two weeks.

viii Such verification shall be completed within a period of two months, after receipt of the Vigilance Cell report, preferably, by day-to-day proceedings [See paragraph 13(9) of Kumari Madhuri Patil (supra)].

30. All the authorities involved in the process shall adhere to the aforestated parameters, which are supplemental to the guidelines laid down by the Supreme Court in Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and Others, (1994) 6 SCC 241 and Anand Vs. committee for Scrutiny and Verification of Tribe Claims and Others (2012) 1 SCC 113 in their letter and spirit."

5. With the above observations, we hereby direct the respondents/authorities to do the needful with regard to issuance of genuineness report in respect of the petitioner within two months from the date of receipt of a copy of this order.

6. The writ petition stands ordered in the above terms. No costs. Connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government  
State of Tamil Nadu  
Adi Dravidar and Tribal Welfare (CV2) Department  
Secretariat  
Chennai-600 009
- 2.The Chairman and Secretary to Government  
State Level Scrutiny Committee  
Adi Dravidar and Tribal Welfare (CV2) Department  
Secretariat  
Chennai-600 009

+lcc to M/S.S.Doraisamy, Advocate Sr.48537  
+lcc to the Government Pleader Sr.48629

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srg 06/09/2016

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