

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2016

CORAM:

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K. SASIDHARAN

W.P. No.2997 of 2016

Bank of Baroda
Regional Office
III Floor, 82 Bank Road
Coimbatore 641 018
represented by its Deputy General Manager

Petitioner

Vs.

- 1 The Chairman
Tamil Nadu State Level Scrutiny Committee and
Secretary to Government
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingnar Maaligai
Secretariat, Fort St. George
Chennai 600 009
- 2 The District Collector
Namakkal District
Namakkal
- 3 N. Sakkubai

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first and second respondents to consider the various representations, the latest of which being dated 01.04.2015 in RO:CBE:HRM:51:5234 of the petitioner and determine the community status of the third respondent in a time bound manner.

For petitioner Mr. V. Karthic
for M/s. T.S. Gopalan & Co.

For RR 1 & 2 Mr. P.S. Sivashanmugasundaram
Special Government Pleader

ORDER

(delivered by SATISH K. AGNIHOTRI, J.)

Mr. P.S. Sivashanmugasundaram, learned Special Government Pleader, accepts notice for respondents 1 and 2. Notice to the third respondent is dispensed with at this stage, inasmuch as no order prejudicial to her interest, is passed in this writ petition. Thus, with the consent of the learned counsel for the

petitioner and the learned Special Government Pleader appearing for respondents 1 and 2, the writ petition is taken up for final disposal, at the admission stage itself.

2 The instant writ petition is filed seeking a writ of mandamus directing the first and second respondents to consider the petitioner bank's various representations, the latest of which is dated 01 April 2015 and determine the third respondent's community status in a time bound manner.

3 The grievance of the petitioner-bank is that noticing the discrepancy in the caste certificate produced by the third respondent-employee, the petitioner-bank had made representations to the official respondents on numerous occasions commencing from 30 December 2013 till 01 April 2015. Despite the clear time frame fixed by the Supreme Court in *Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*¹ qua issuance of community certificates, its repeated representations have fallen only on the deaf ears of the first respondent-committee. Hence, this writ petition seeking the aforestated relief.

4 On a perusal of the materials placed before us, it is noticed that the third respondent had earlier come up with a writ petition being W.P.No.2241 of 2011 challenging the order dated 01 March 2007 passed by the District Level Vigilance Committee, cancelling her Konda Reddi (ST) community certificate. A Division Bench of this Court, considering all aspects of the matter, quashed the impugned order and referred the matter to the State Level Scrutiny Committee for fresh consideration, holding as under:

"4. For the above reason, the impugned order is set aside and the matter is now remitted to the State Level Scrutiny Committee for fresh consideration as to the genuineness of the community certificate of the petitioner. The District Collector cum Chairman, District Level Vigilance Committee, Namakkal District is directed to transmit the entire records to the State Level Scrutiny Committee on receipt of a copy of this order and on receipt of such records, the State Level Scrutiny Committee shall independently consider the matter and after affording sufficient opportunity to the petitioner, pass final orders in a period of three months thereafter. With the above direction, the writ petition is allowed. Consequently, M.P. No.2 of 2011 is closed. No costs."

5 It appears that in the meantime, the petitioner-bank had also made representations to the first respondent, viz., the State Level Scrutiny Committee on 30 December 2013, 28 February 2014, 27 March 2014, 07 April 2014, 19 May 2014, 20 November 2014, 09 January 2015, 03 February 2015, 06 March 2015 and 01 April 2015. Feeling aggrieved by the inaction on the part of the authorities in disposing of its representations, the petitioner bank is before us seeking the aforestated prayer.

¹ (1996) 4 SCC 241

6 The learned Special Government Pleader appearing for respondents 1 and 2 fairly submits that the first respondent Committee will consider and pass orders on the petitioner-bank's representations, on their own merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, in the light of the decision rendered by a Division Bench of this Court in G. Venkitasamy and V.Balasubramaniam vs. The Chairman, State Level Scrutiny Committee and Secretary to Government Adi Dravidar and Tribal Welfare Department, Namakkal Kavingnar Maaligai, Fort St. George, Secretariat, Chennai-9².

7 In view of the above submission of the learned Special Government Pleader, it is ordered accordingly.

The writ petition stands disposed of with the above observation. Costs made easy.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

cad

To

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

2 The District Collector
Namakkal District
Namakkal

1 cc to M/.s.T.S. Gopalan, &Co, Advocate, Sr. 5107
1 cc to Government Pleader, Sr. 6170

W.P. No.2997 of 2016

SK (CO)
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