

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.30071 of 2016
and W.M.P.No.26059 of 2016

K.Senthil Mallar

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
Rep. By its Principal Secretary to
Govt., Public Department (SC),
Secretariat, Fort St. George,
Chennai-9.

2.The Principal Secretary to Govt.,
Adi-Dravidar and Tribal Welfare Dept.,
Secretariat, Fort St. George,
Chennai-9.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records from the 2nd respondent pertaining to the impugned Government Orders in G.O. No.817 dated 25.03.1922 and G.O. (2D) No.2 dated 24.01.2007 issued by the 2nd respondent regarding this issue and quash the same and consequently to direct the respondents to name the correct and right translation as Pattiyal Sathigal Nalathurai 'பட்டியல் சாதிகள் நலத் துறை' (Scheduled Caste and Scheduled Tribe Welfare Department) instead of 'Adi Dravidar and Tribal Welfare Department'.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.M.K.Subramanian
Govt. Pleader for RR 1 and 2

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner seeks to impugn G.O. No.817, Law (General) Department, dated 25.03.1922 and G.O. No.2, Adi Dravidar and Tribal Welfare (C.M-1) Department, dated 24.01.2007 issued by the second respondent / the Principal Secretary to the State Government dealing with the Adi Dravidar and Tribal Welfare Department, with a direction to name the said Department by correctly translating it to 'Scheduled Caste and Scheduled Tribe Welfare Department' on the basis of its description in Tamil.

2.It is the case of the petitioner that the constitutional order of 1950 enumerated the castes in order to develop them on par with other sections of the society and 76 castes were identified as scheduled castes as enlisted in the petition. The Adi Dravidar is stated to be only one of the 76 castes and thus, not a parent caste nor a sub-caste, but for some reason, is being translated as alternative to the scheduled caste community. It is stated that the scheduled caste communities are now referred to as Adi Dravidar even though that is not the translated meaning of the scheduled caste.

3.At the inception of the hearing itself we asked the learned counsel for the petitioner whether he has made any representation qua what the claim was, considering that the G.Os. had been in existence for a considerable period of time. Learned counsel states that there is no requirement to make a representation as a writ of certiorari is being sought.

4.Learned counsel, to buttress his submission, has referred to the judgment of the Hon'ble Supreme Court in Nityanand Sharma and Another vs. State of Bihar and Others, (1996) 3 SCC 576. The issue there was as to categories of persons to be specified as scheduled castes and scheduled tribes in the Constitution and it was opined that an alteration by inclusion, substitution or exclusion cannot be ordered by the Court. We fail to appreciate as to how this judgment would come to the aid of the petitioner in his prayer seeking amendment of the name of a department.

5.Learned counsel has also referred to the judgment in Arumugam Servai vs. State of Tamil Nadu, (2011) 6 SCC 405 where the issue was as to what could be an offensive and objectionable word to be used to constitute an offence under the SC and ST Act. Once again, it is nobody's case that Adi Dravidar is an offensive term, but the plea is based on the fact that it is only one of the castes which fall under the scheduled caste category.

6.Learned counsel refers to the Oxford Advanced Learner's Dictionary, Ninth Edition, to state that the term 'scheduled caste' has been defined as a noun and a caste in India that is listed in the Eighth Schedule of the Indian Constitution and recommended for special help in education and employment.

7.In the facts of the present case, we are only concerned with as to how the Government decides what its department should be called. This is a matter of pure policy decision and prerogative of the Government. Even if the petitioner thought that there was a better method of defining that department, the petitioner could have easily made a representation for the said purpose to the Government and the Government, in its wisdom, would have analysed it. Instead of that, the petitioner invoked the public interest litigation jurisdiction of this Court possibly because it gets some coverage.

8.We are not inclined to, thus, issue any direction in the present matter in view of the aforesaid facts and circumstances.

9.Writ petition stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

sra

To

1.The Principal Secretary to
Public Department (SC),
Government of Tamil Nadu
Secretariat, Fort St. George,
Chennai-9.

2.The Principal Secretary to Govt.,
Adi-Dravidar and Tribal Welfare Dept.,
Secretariat, Fort St. George,
Chennai-9.

+1 cc to Mr.P.Vijendran Advocate sr 49452 dt 15/09/2016

+1 cc to Government Pleader sr 49126

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