

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2016

CORAM

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

Writ Petition No.40299 of 2016
and WMP.No.34366 of 2016

K.Anitha

..Petitioner

Vs

1.The State Level Committee and
The Secretary to Government
Adi Dravidar and Tribal Welfare (ADW 5)
Department, Secretariat, Chennai-9

2.The Revenue Divisional Officer
Thirukovilur Taluk-605 757
Villupuram District

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for records in Proceedings No.06/CV-4(1)/2011-18 dated 26.10.2016 on the file of the 1st respondent and quash the same and direct 2nd respondent herein to confirm the status of the petitioner herein as the member of Hindu Malaikuravan Community for consequential orders.

For petitioner : Mr.V.Raghavachari

For Respondents: Mr.R.Prathapkumar, Addl.Govt.Pleader

ORDER

(Order made by Huluvadi G.Ramesh,J)

This Writ Petition is filed challenging the Proceedings dated 26.10.2016 passed by the 1st respondent and for a direction to the 2nd respondent to confirm the status of the petitioner as the member of Hindu Malaikuravan Community and for consequential orders.

2. The petitioner is working as a Typist in Revenue Department and her original appointment was on 27.12.2007, after certificate verification on 23.02.2010. Subsequently, on 11.01.2011, the genuineness of her Hindu Malaikuravan Scheduled Tribe Community certificate was subjected to scrutiny by the Revenue Divisional Officer, Thirukoilur, for which, she was called for enquiry on 03.11.2011. Thereafter, again under the direct recruitment by the TNPSC, she was appointed as Typist in the Revenue Department. Even thereafter, by letter dated 07.06.2013, she was called to appear before the State Level Scrutiny Committee for enquiry on 19.06.2013. It is averred in the Writ Petition that she appeared before the committee and produced all the documents to substantiate the genuineness of her community. Subsequently, the petitioner appeared before the State Level Scrutiny Committee for the enquiry held on 18.08.2016. The State Level Scrutiny Committee, based on the available records and reports of the Deputy Superintendent of Police, SC/ST Vigilance Cell, Chennai Region, has concluded that the "Malaikuravan" Scheduled Tribes Community Certificate issued to the petitioner by the Revenue Divisional Officer, Thirukoilur, Villupuram, dated 20.04.1996, is not genuine and consequently cancelled the same and also recommended to the District Collector, Villupuram, and Secretary, TNPSC, to take criminal action against the petitioner. As against which, the present writ petition is filed.

3. Having considered the submissions made on both sides and on a perusal of the impugned order herein, the following order is passed:

Without expressing any opinion on the merits of the Proceedings of the 1st respondent, which is also made available to the petitioner, we direct the petitioner herein, to submit a reply and substantiate her claim by producing all relevant records before the 1st respondent. On the other hand, the 1st respondent, shall scrutinize all the records along with reply and reconsider the case of the petitioner. In the event of the petitioner causes a detailed reply with supporting documents, the 1st respondent shall afford an opportunity of hearing to the petitioner and thereafter, pass appropriate orders in this regard. It is made clear that the 1st respondent, shall furnish the copy of proceedings passed after the de novo consideration, to the petitioner, so that the petitioner could redress her further grievance, if any. If the petitioner's contention, in support of her claim, is found to be satisfactory, then the 1st respondent, is at liberty to modify the proceedings dated 26.10.2016 or in case of no subsequent substantial documents found, the proceedings already passed could hold good. It is

for the petitioner to approach the 1st respondent, within 1 month from the date of receipt of a copy of this order. Till such de novo consideration by the 1st respondent and decision passed thereon, there shall be an order of status quo.

4. The Writ Petition is disposed of with the above observation. No costs. Consequently, connected WMP is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

nvsri
To

1.The State Level Committee and
The Secretary to Government
Adi Dravidar and Tribal Welfare (ADW 5)
Department, Secretariat, Chennai-9

2.The Revenue Divisional Officer
Thirukovilur Taluk-605 757
Villupuram District

+ 1 cc to Mr.V. Raghavachari, Advocate SR.66852

W.P.No.40299 of 2016

TM(CO)
EU 24.1.17

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