

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2016

CORAM

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

Writ Petition No.41468 of 2016  
and WMP.Nos.35448 and 35577 of 2016

G.Radhakrishnan

..Appellant

Vs

The Director  
Directorate of Tribal Welfare  
Chennai-5

..Respondent

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari by calling for the records of the respondent in its Letter No.TD/B2/4415/2016 dated 17.10.2016 and quash the same.

For Appellant : Mr.V.Vijay Shankar

For Respondent : Mr.P.S.Sivashanmuga Sundram  
Special Govt. Pleader

ORDER

(Order of the Court was made by Huluvadi G.Ramesh, J)

This Writ Petition is filed challenging the Letter of the respondent dated 17.10.2016, wherein, based on the verification of genuineness of "Hindu Kammara" Scheduled Tribes Community Certificates of the petitioner and the Vigilance Cell Report, petitioner was asked to show cause his reply on the points mentioned therein.

2. Mr.P.S.Sivashanmuga Sundraam, learned Special Government Pleader, is directed to take notice for the respondent.

3. According to the learned counsel appearing for the petitioner, the petitioner joined services in the Central Training Institute, Chennai, under unreserved quota. However, the employer Central Training Institute, referred the "Hindu-

Kammara" Scheduled Tribe community certificate of the petitioner to the District Collector, Chennai, for verification of the community status of the petitioner. In this regard, petitioner has been summoned by the Vigilance Cell for enquiry, wherein, he has informed that he hails from Vizag, Andhra Pradesh and for survival, his father had been shifted to Cheyyar, and that in 1970-71, he came to Chennai, for the purpose of employment. Based on the order of the Vigilance Cell Report, the respondent has issued show cause notice on 17.10.2016, asking to show cause and reply to the issues stated in the letter dated 17.10.2016, within 15 days. Aggrieved by the same, petitioner is before this court.

4. After hearing submissions made on both sides, we hereby direct the respondent to refer the matter to the State Level Scrutiny Committee and in this regard, a fresh show cause notice shall be issued to the petitioner, within another 1 month from the date of receipt a copy of this order and thereafter, it is for the petitioner to appear before the State Level Scrutiny Committee and to offer his explanation and substantiate his claim by producing the documents/particulars, available with him. The State Level Scrutiny Committee, shall investigate the matter, in an open and transparent fashion, after affording opportunity of hearing to the petitioner, in which process, as repeatedly held by this Court, 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. Thereafter, it is for the state level scrutiny committee, to take a decision in accordance with law. However, for the time being, till such decision is taken, by the State Level Scrutiny Committee, show cause notice issued by the Director, Tribal Welfare Department, dated 17.10.2016 is kept in abeyance. The entire exercise shall be completed by the respondent as well as State Level Scrutiny Committee, as stipulated by the Supreme Court, in the case of Kumari Madhuri Patil and another vs. Addl. Commissioner, Tribal Development and Others<sup>1</sup>, (1994) 6 SCC 1 and shall also comply with the guidelines stipulated by this court in W.P.Nos.30368 and 31973 of 2015 dated 21.12.2015, 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.

Sd/-  
Asst.Registrar

/true copy/

Sub Asst. Registrar

nvsri

---

1 (1994) 6 SCC 1

To

1. The Director  
Directorate of Tribal Welfare  
Chennai-5

2. The Chairman,  
State Level Scrutiny Committee  
Adi Dravidar and Tribal Welfare Department.  
Fort st. George, Chennai

1 cc to Mr. Vijay Shankar, Advocate, Sr. 69824  
1 cc to Government Pleader, Sr. 69689

W.P.No.41468 of 2016

MG (CO)  
kk 19/1



WEB COPY