



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P.[MD].No.16467 of 2014
and
M.P.(MD).Nos.1 & 2 of 2014 & 1 & 2 of 2015

S.Murugeswari .. Petitioner
Vs.

1.The Revenue Divisional Officer,
Dindigul,
Dindigul District.

2.The Chief Engineer / Personnel,
Tamil Nadu Generation and Distribution
Corporation Limited,
Administrative Branch,
No.144, Anna Salai,
Chennai.

3.The Executive Engineer / Operation and
Maintenance, Tamil Nadu Generation
and Distribution Corporation Limited,
Dharapuram,
Tirupur District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to Na.Ka.No.2007/2014/A3, dated 22.09.2014 and quash the same and direct the 1st respondent to issue Hindu Malaivedan Community Certificate to the petitioner.

For Petitioner : Mr.B.Prahalad Ravi
for M/s.Hall Mark Associates,

For 1st respondent : Mr.N.S.Karthikeyan,
Addl. Government Pleader

For respondents 2 & 3 : Mr.G.Kasinathadurai



the order passed by the first respondent herein, dated 22.09.2014, rejecting the application submitted by the petitioner for issuance of community certificate and also for a consequential direction to the first respondent to issue Hindu Malaivedan Community Certificate to the petitioner.

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2.1. It is the case of the petitioner that she has been selected for the post of Assessor Grade II (Class-IV) category on 27.11.2013 in the Scheduled Tribe quota by the second and third respondents and on 02.04.2014, the 2nd and 3rd respondents asked the petitioner to produce the community certificate within a period of 15 days. As the application for issuance of community certificate has been pending with the first respondent, the petitioner has requested the third respondent to give sufficient time, but the same was rejected. Challenging the said rejection order, the petitioner has filed W.P.(MD).No.6400 of 2014 on the file of this Court. This Court, by an order dated 16.04.2014, directed the 2nd and 3rd respondents herein to permit the petitioner to join duty without insisting on the production of community certificate and further directed the petitioner to produce the certificate within a period of four months, failing which the 2nd and 3rd respondents are at liberty to terminate the petitioner. Accordingly, the petitioner was permitted to join duty on 29.04.2014.

2.2. Despite several presentations, the 1st respondent failed to issue community certificate. While so, on 07.08.2014 the third respondent issued a communication directing the petitioner to produce the community certificate on or before 30.09.2014, failing which her service would be terminated. On receipt of such communication, the petitioner filed a writ petition in W.P.(MD). No.14726 of 2014 seeking a direction to the 2nd and 3rd respondents not to insist on the production of the community certificate till the disposal of her application for issuance of community certificate by the 1st respondent and also sought for a direction to the 1st respondent to dispose of her application for community certificate within a stipulated time. This Court, by order dated 05.09.2014, granted an interim direction directing the 2nd and 3rd respondents to maintain status quo as on date and further directed the 1st respondent to dispose of the application of the petitioner. Pursuant to the said direction, the first respondent passed the impugned order rejecting the application for issuance of the community certificate. Challenging the same, the present writ petition has been filed.

3. It is the main submission of the learned counsel for the petitioner that without assigning any valid reason and without affording sufficient opportunity, the first respondent rejected the application submitted by the petitioner. Hence, by setting aside the impugned order, the matter may be remitted back to the first respondent to conduct a fresh enquiry.



4.The learned Additional Government Pleader appearing for the first respondent submitted that as per G.O.Ms.No.147, Revenue [RA-3(2)] Department, dated 17.03.2016, the petitioner has to work out her remedy only before the District Collector and thereafter, State Level Committee as against the order passed by the first respondent.

5.Since the petitioner is having an alternative remedy, this Court is not inclined to entertain the writ petition. However, considering the facts and circumstances of the case, the petitioner is directed to file an appeal as against the impugned order before the concerned District Collector within a period of one week from the date of receipt of the order. On receipt of such appeal, the concerned District Collector is directed to dispose of the same within a period of four weeks from the date of receipt of the appeal. If the petitioner approached the State Level Scrutiny Committee aggrieved by the order passed in the appeal, the State Level Scrutiny Committee shall dispose of the same within a period of eight weeks thereafter. Till such time, the 2nd and 3rd respondents are directed to maintain status quo as on date.

6.With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Revenue Divisional Officer,
Dindigul, Dindigul District.

2.The District Collector, Dindigul District.

3.The Chairperson,
State Level Scrutiny Committee,
Secretariat, Fort St. George,
Chennai - 600 001.

+1cc to Mr.B.Prahalad Ravi, Advocate SR.No.81978

gcg

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Order made in
W.P.[MD].No.16467 of 2014
Dated: 19.12.2016