



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2016

CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE SATISH K.AGNIHOTRI
and
THE HON'BLE MR. JUSTICE S.MANIKUMAR

W.P. (MD).No.2616 of 2016

S.V.Shreeram Petitioner
Vs.

1.The Government of Tamil Nadu,
Rep by its Secretary,
Adi-Dravidar and Tribal Welfare Department,
Fort.St.George,Secretariat, Chennai 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

3.The District Collector,
Tirunelveli District,
Tirunelveli.

4.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

5.The Deputy Superintendent of Police,
SC/ST Vigilance Committee,
Madurai Zone.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned show cause notice issued by the first respondent in Letter No.8276/CV-2/2009-11, dated 13.10.2015, quash the same and consequently direct the respondents to regularize the service of the petitioner from the date of his juniors were selected and posted along with monetary benefits.

For petitioner Mrs.J.Nisha Banu

For respondents Mr.M.Alagadevan



ORDER

(delivered by SATISH K.AGNIHOTRI, J.)

Mr.M.Alagadevan, learned Special Government Pleader, accepts notice for the respondent. With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, the Writ Petition is taken up for final disposal.

2. Calling in question the letter dated 13.10.2015 of the State Level Scrutiny Committee/the Secretary to the Government, Adi-Dravidar and Tribal Welfare Department, the petitioner has come up with this Writ Petition. Under the said letter, the petitioner was called upon to furnish his reply to the vigilance report submitted by the Vigilance Committee and also produce valid documents in support of his social status claimed.

3.Mrs.J.Nisha Banu, Learned counsel appearing for the petitioner, submits that the issue in respect of the genuineness of the caste certificate had already come under consideration in the District Level Committee and the District Level Committee by order dated 11.03.2011 had approved the community and upheld its genuineness and authenticity and hence, there is no reason to re-initiate the enquiry, as the State Level Scrutiny Committee or the State Government has no competence to re-examine the issue without there being any material which creates a doubt. Learned counsel for the petitioner further relies on a proceedings dated 27.04.2011 whereunder the Government have taken a decision to re-constitute the District Level Vigilance Committee to examine the genuineness and authenticity of the community certificate. It is made clear therein to provide an appeal before the State Level Scrutiny Committee. This constitution was done in accordance with the direction made by the Supreme Court in Kumari Madhuri Patil and another Vs. Addl Commissioner, Tribal Development and others.¹ In Kumari Madhuri Patil cited supra, the Supreme Court contemplated and directed to constitute a State Level Three Members Committee. There was no stipulation to have a District Level Committee. The State Level Scrutiny Committee is comprised of senior officers as stipulated under the direction rendered in Kumari Madhuri Patil by the Supreme Court. A Division Bench of this Court had an occasion to examine the issue in G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee² and after referring and relying on several decisions rendered by the Supreme Court, laid down guidelines.

4. In view of the foregoing, at this stage, when no order adverse to the petitioner's interest is passed, we are not



inclined to interfere. However, we grant liberty to the petitioner to submit his reply, as required, along with all relevant documents within a period of three weeks from the date of receipt of a copy of this order and thereafter, the State Level Scrutiny Committee shall take a decision at the earliest, preferably within a period of two weeks.

5.The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary, The Government of Tamil Nadu,
Adi-Dravidar and Tribal Welfare Department,
Fort.St.George, Chennai 600 009.

2.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.

3.The District Collector,
Tirunelveli District, Tirunelveli.

4.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

5.The Deputy Superintendent of Police,
SC/ST Vigilance Committee, Madurai Zone.

6.The Officer-in-Charge,
State Level Scrutiny Committee, Chennai-9

+One cc to Mr.K.K.Senthil, Advocate, SR.No.7044

+One cc to The Special Government Pleader, SR.No.7446

+One cc to M/s.J.Nisha Banu, Advocate, SR.No.7824

nb/gb

RL/10C/AAL/MPA/11/2/2016

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