

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.30510 of 2014 and
M.P.No.1 of 2014

N.Ramakrishna Raju

...Petitioner

Vs.

1.The Chairman
State Level Caste Scrutiny Committee
Adi Dravidar and Tribal Welfare (ADW II) Dept.,
Secretariat, Chennai 9.

2.The Chief Manager
Oriental Bank of Commerce
Regional Office, Spencer Plaza
2nd Floor, No.769, Anna Salai
Chennai 600 002.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the
Constitution of India, praying for a Writ of Certiorari, to call
for the records relating to the impugned order in Proceedings
No.14847/ADW5/2007-23, dated 28.10.2014, of the 1st respondent
and quash the same.

For Petitioner : Ms.Sumithra
for Mr.W.M.Abdul Majeed

For R1 : Mr.K.Venkatramani,
Additional Advocate General
Asst. by Mr.K.Dhananjayam
Special Government Pleader, for R1

Mr.M.Rajan, for R2

O R D E R

K.K.SASIDHARAN, J.

The writ petition is directed against the order dated 28
October 2014 on the file of the Tamil Nadu State Level Scrutiny

Committee holding that the Community Certificate issued to the petitioner on 17 July 1981 by the Tahsildar, Saidapet, is not genuine.

2. The petitioner challenged the order passed by the State Level Scrutiny Committee primarily on the ground that there was no reference to the Vigilance Cell, before taking a decision with regard to the Community status.

3. The first respondent filed a counter affidavit, wherein it was indicated that the Vigilance Cell conducted enquiry, by issuing a memorandum dated 17 December 2014. According to the first respondent, before the Vigilance Cell, the petitioner appeared on 19 December 2014 and submitted certain particulars.

4. The counter affidavit filed by the first respondent clearly shows that after passing the impugned order, the matter was referred to the Vigilance Cell. The first respondent ought to have referred the matter to the Vigilance Cell before passing orders with regard to the genuineness of the community status claimed by the petitioner. By referring the matter to the Vigilance Cell subsequent to the order declaring the community status, the first respondent violated the dictum laid down in *Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others* [(1994) 6 SCC 241] and the related Government Orders. We are, therefore, of the view that the issue requires fresh consideration by the first respondent.

5. In the result, the order dated 28 October 2014 is set aside. The issue is remitted to the first respondent for fresh consideration. The first respondent is directed to follow the procedure indicated in *Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others* [(1994) 6 SCC 241], conduct enquiry with opportunity to the petitioner to produce documents and thereafter, decide the issue on merits and as per law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gms

To

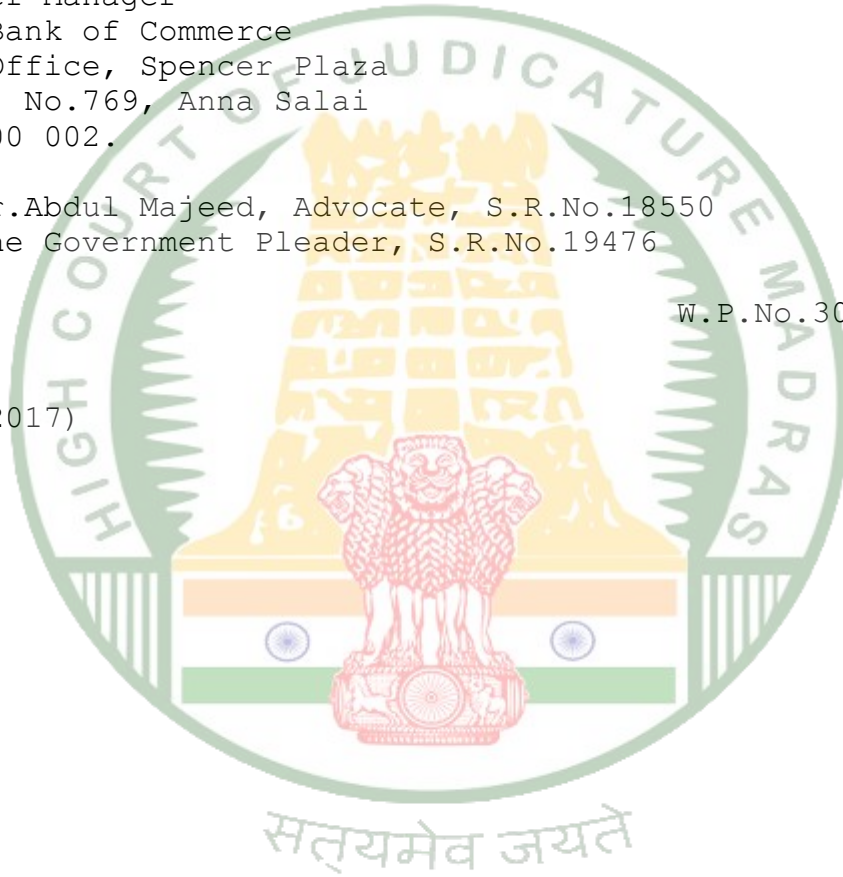
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+1cc to Mr.Abdul Majeed, Advocate, S.R.No.18550
+1cc to the Government Pleader, S.R.No.19476

W.P.No.30510 of 2014

SJ(CO)
RS(18/04/2017)



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