IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.8918 of 2014,
M.P.Nos.1,2 of 2014 and 1 of 2015

T.Thimma Reddi ... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee,
Represented by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai - 600 009.

2.The State of Tamil Nadu,
Represented by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The General Manager,
Bharat Sanchar Nigam Limited,
Vellore - 632 001.

5.The Deputy General Manager (HR/Admin)
Office of the General Manager,
Bharat Sanchar Nigam Limited,
Vellore - 632 001.

6.The Divisional Engineer (Telecom)
Bharat Sanchar Nigam Limited,
Vellore - 632 001. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records pertaining to the impugned order of the first respondent herein being proceedings No.284/CV-II/2010-15 dated 03.01.2014 and quash the said order.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

For Petitioner :Mr.A.R.Gokulnath

For Respondents:Mr.K.Venkatramani
Additional Advocate General
Assisted by
Mr.A.Kumar, Special Government Pleader
for R1 to R3
No appearance for R4 to R6

O R D E R

K.K.SASIDHARAN,J.

The petitioner was appointed in Bharat Sanchar Nigam Limited (for short "BSNL") on the strength of the Community Certificate produced by him. The Community Certificate, initially, was referred to the Revenue Divisional Officer. Thereafter, it was referred to the District Level Vigilance Committee. The petitioner, challenged the order passed by the District Level Vigilance Committee cancelling the Community Certificate in W.P.No.26485 of 2009. This Court set aside the order and directed the matter to be considered by the State Level Scrutiny Committee. The State Level Scrutiny Committee considered the issue in the light of the direction given by this Court in its order dated 14 June, 2011 in W.P.No.26485 of 2009. The State Level Scrutiny Committee arrived at a finding that the petitioner does not belong to Scheduled Tribe Community. The certificate was accordingly cancelled. Feeling aggrieved by the said decision, the petitioner is before this Court.

2. The learned counsel for the petitioner contended that before taking up the matter on merits, the State Level Scrutiny Committee, ought to have referred the issue to the District Level Vigilance Committee and Anthropologist for enquiry and report. Since such a mandatory procedure was not followed by the State Level Scrutiny Committee, the order impugned in this writ petition is liable to be set aside.

3. The learned Additional Advocate General supported the order passed by the State Level Scrutiny Committee. According to the learned Additional Advocate General, the documents produced by the petitioner were all examined by the District Level Vigilance Committee. Since none of those documents supported the case pleaded by the petitioner, the Scrutiny Committee passed an order rejecting his claim for community status.

4. The order passed by the State Level Scrutiny Committee indicates that the issue regarding community status of the petitioner was rejected on the basis of the certificates

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

produced by him. According to the committee, the xerox copy of the sale deed would not go to show that the petitioner belongs to "Konda Reddis" community. However, the fact remains that the issue was not referred to the District Level Vigilance Committee as indicated by the Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241] and reiterated later in Dayaram v. Sudhir Batham [2012 1 SCC 333]. Since such a mandatory requirement was not followed by the State Level Scrutiny Committee, we are inclined to set aside the order.

5. In the result, the order dated 3 January 2014 is set aside. The matter is remitted to the State Level Scrutiny Committee for fresh consideration.

6. The Scrutiny Committee is directed to refer the matter to the District Level Vigilance Committee for conducting investigation, as indicated in the judgment in Kumari Madhuri Patil (cited supra). The report of the Vigilance Cell with enclosures must be given to the petitioner for his response. There shall be a further direction to consider the materials produced by the petitioner in the light of the report submitted by the District Level Vigilance Committee and decide the matter 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.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Chairman,
The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai - 600 009.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

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

3.The District Collector,
  Virudhunagar District, Virudhunagar.

4.The General Manager,
  Bharat Sanchar Nigam Limited,
  Vellore - 632 001.

5.The Deputy General Manager (HR/Admin)
  Office of the General Manager,
  Bharat Sanchar Nigam Limited,
  Vellore - 632 001.

6.The Divisional Engineer (Telecom)
  Bharat Sanchar Nigam Limited,
  Vellore - 632 001.

+1cc to Mr.K.R.Ramesh kumar, Advocate, S.R.No.21429
+1cc to Mr.A.R.Gokulnath, Advocate, S.R.No.21366
+1cc to the Government Pleader, S.R.No.21712

W.P.No.8918 of 2014

nr(co)
rmp(08/05/17)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/