

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:09.08.2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL
AND
THE HONOURABLE Mr. JUSTICE P.D.AUDIKEVALU

W.P.No.21196 of 2017

V.Settu

.. Petitioner

Vs.

1. The Secretary / Chairman
Adidravider & Tribal Welfare Department,
State Level Scrutiny Committee
Govt., of Tamilnadu
Secretariat, Chennai - 600 009
2. The Director,
Tribal Welfare Department,
Govt., of Tamilnadu
Ezhilagam, Chempauk,
Chennai - 5
3. The Deputy Superintendent of Police,
SC/STs Vigilance Cell,
District Adi Dravidar & Tribal Welfare
Chennai Region
Collectorate, Chennai - 600 001

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 3rd Respondent to submit the enquiry report in respect of the ST Community Certificate of the Petitioner to the 2nd Respondent and consequently send the same to the 1st Respondent.

For Petitioner : Mr.R.Vasudevan
For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

[Order of the Court was made by M.VENUGOPAL, J.]

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal.

2. The Petitioner has filed the present Writ Petition praying for passing of an order in directing the 3rd Respondent to submit the enquiry report in respect of the Scheduled Tribe Community Certificate of the Petitioner to the 2nd Respondent and consequently send the same to the 1st Respondent.

3. According to the Petitioner, he belongs to Scheduled Tribe (Malayali) Community and joined the Services of Police Department as Police Constable on 01.12.2003 through proper channel. Subsequently, he was selected by the Tamilnadu Public Service Commission to the Revenue Department and joined at Pudukottai District. At present, he is working as Revenue Assistant at the Collector's Office, Pudukottai.

4. The categorical plea of the Petitioner is that soon after joining as 'Revenue Assistant', the District Collector, Pudukottai sent his Scheduled Tribe Community Certificate to the 1st Respondent / the Secretary, Chairman, Adi Dravider & Tribal Welfare Department, State Level Scrutiny Committee, Government of Tamilnadu, Chennai for verification of genuineness of his Community on 28.03.2017 in Letter No.4193/ 2013/A3 and soon after the receipt of the said Letter, the 1st Respondent / Committee issued a letter to him dated 12.11.2015 requiring him to appear before the 1st Respondent on 18.11.2015 at 10.00 a.m. for the purpose of enquiry to verify about the genuineness of his Community Certificate.

5. It comes to be known that the Petitioner had appeared for the enquiry and the enquiry was conducted by the 1st Respondent / Committee. The core grievance of the Petitioner is that even after the 1st Respondent / Committee conducting enquiry in the subject matter in issue, till date, had not passed any orders in regard to the genuineness of his Community Certificate.

6. It transpires that as per guidelines framed by the Hon'ble Supreme Court in Kumari Madhuri Patil & Another V. Additional Commissioner Tribal Development, Thane & Others reported in AIR 1995 SC 94, the 1st Respondent / Committee had sent a communication in Ref.No.5475/CV-2/2014-4 dated 17.01.2016 to the 3rd Respondent / the Deputy Superintendent of Police, SC/STs Vigilance Cell, District Adidravidar & Tribal Welfare, Chennai to verify the genuineness of the Petitioner's Community Certificate issued by R.D.O., Thiruvannamalai and to submit a report to the 2nd Respondent / The Director, Tribal Welfare Department, Govt., of Tamilnadu, Ezhilagam, Chepauk, Chennai - 5, till date, the 3rd Respondent has not complied with the direction of the Respondent Nos.1 and 2, as a result of which the verification of his community certificate is still pending and it had not seen the light of the day.

7. Apart from the above, the prime contention advanced on behalf of the Petitioner is that due to the delay in submission of the Report by the 3rd Respondent / the Deputy Superintendent of Police, Collectorate, Chennai, he is handicapped because he is not able to secure his promotion, increment etc., from his Employer. The various representations to the 3rd Respondent had proved futile. Hence he has filed a present Writ Petition seeking for an appropriate relief.

8. At this stage, the Learned Government Advocate appearing for the Respondents 1 to 3 informs this Court that four weeks time may be granted to the Respondents 1 to 3 for submitting an enquiry report by the 3rd Respondent in respect of Petitioner's Community Certificate to the 2nd Respondent and to mark a copy of the said report to the 1st Respondent.

9. Considering the fact that the Petitioner's Community Certificate for verification of the genuineness is still pending with the 3rd Respondent and also this Court taking note of the entire conspectus of the present case in an encircling fashion, simpliciter directs the 3rd Respondent / The Deputy Superintendent of Police, Collectorate, Chennai to submit an enquiry report in respect of the Scheduled Tribe Community Certificate of the Petitioner to the 2nd Respondent within a period of four weeks from the date of receipt of copy of this Order. It cannot be gainsaid that the 3rd Respondent shall follow the guidelines issued by the Hon'ble Supreme Court in Kumari Madhuri Patil & Another V. Additional Commissioner Tribal Development, Thane & Others reported in AIR 1995 SC 94, consequential Government Orders in this regard and without any further loss of time, the 3rd Respondent is directed to submit a report before the 2nd Respondent by transmitting a copy of the same to the 1st Respondent within the time adumbrated by this Court. Soon after filing report, the 3rd Respondent / The Deputy Superintendent of Police, SC/STs Vigilance Cell, Chennai shall send a compliance report addressed to the Registrar Judicial of this Court without fail.

With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

-s/d-
Assistant Registrar(CCC)

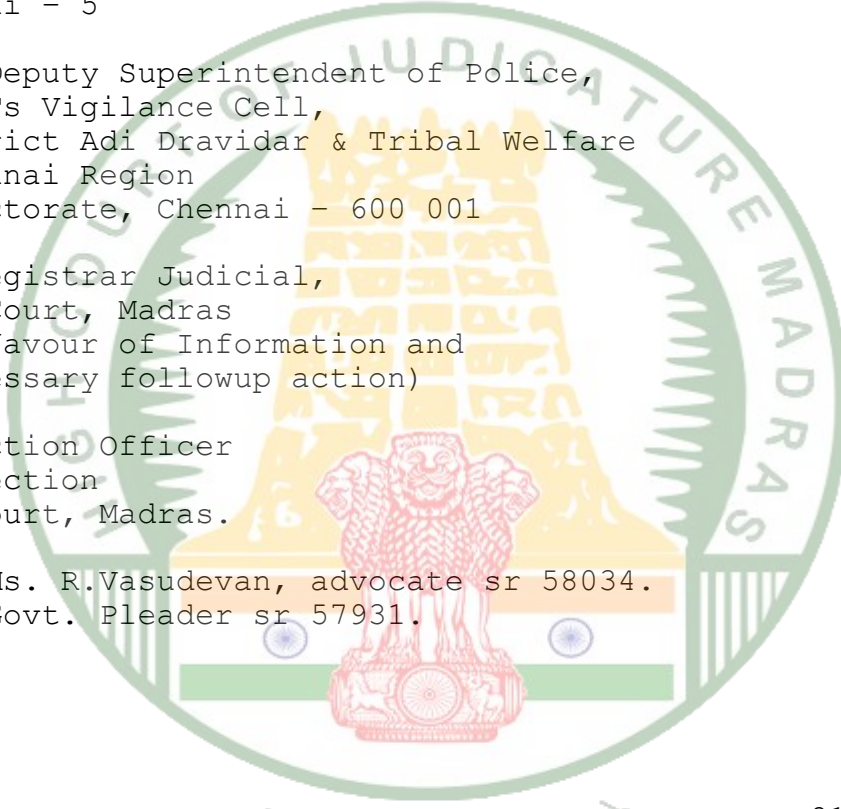
True Copy

Sub-Assistant Registrar

ssd

To

1. The Secretary / Chairman
Adidravider & Tribal Welfare Department,
State Level Scrutiny Committee
Govt., of Tamilnadu
Secretariat, Chennai - 600 009
 2. The Director,
Tribal Welfare Department,
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Ezhilagam, Chepauk,
Chennai - 5
 3. The Deputy Superintendent of Police,
SC/STs Vigilance Cell,
District Adi Dravidar & Tribal Welfare
Chennai Region
Collectorate, Chennai - 600 001
 4. The Registrar Judicial,
High Court, Madras
(For favour of Information and
necessary followup action)
 5. The Section Officer
Writ Section
High Court, Madras.
- +1 CC to Ms. R.Vasudevan, advocate sr 58034.
+1 cC to Govt. Pleader sr 57931.



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W.P.No.21196 of 2017

AK(CO)
sp(29/08/2017)

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