

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2017

CORAM

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.No.33363 of 2014 and
M.P.No.2 of 2014

G.Arulmozhi

... Petitioner

vs.

1.The General Manager (P&A) (Acting)
Madras Fertilizers Limited,
Manali, Chennai-600 068.

2.The Chairman,
State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Namakkal Kavingar Maligai,
Secretariat, Chennai - 9.

...Respondents

(R2 impleaded as per order dated 23.12.2014
by MJJ and AJJ in M.P.No.3/2014 in
W.P.No.33363/2014)

Writ Petition filed under Article 226 of the Constitution
of India seeking a writ of Certiorari, calling for the
proceedings of the respondent in its No.Nil dated 18.11.2014 and
quash the same.

For Petitioner : Mr.V.Vijay Shankar
For Respondents : Mr.B.Manoharan for R1
Mr.A.N.Thambidurai
Spl.Govt.Pleader for R2

O R D E R

The challenge in this writ petition is to the notice dated,
18 November 2014 issued by the General Manager (P & A) (Acting),
Madras Fertilizers Limited, calling upon the petitioner to
produce a fresh community certificate in the prescribed format
on or before 18 December 2014.

2. It is the contention of the petitioner that he has already produced the Community Certificate issued by the competent authority and as such, the first respondent has no authority to call upon him to produce a fresh certificate.

3. The learned counsel for the petitioner contended that in case the first respondent was of the view that the petitioner does not belong to the community in question, the only remedy is to send the certificate for verification before the State Level Scrutiny Committee.

4. We have also heard the learned counsel for the first respondent.

5. There is no dispute that the petitioner while joining service produced a Community Certificate issued by the authority indicating that he belongs to Scheduled Tribe Community. There is no question of directing the petitioner at this point of time to produce a fresh Community Certificate. In case the first respondent entertains a doubt with regard to the genuineness of the community certificate produced by the petitioner, the only course open to the authority is to refer the matter to the State Level Scrutiny Committee. We therefore see considerable force in the submission made on behalf of the petitioner that the first respondent was not correct in directing the petitioner to produce a fresh community certificate.

6. In the result, the impugned notice dated 18 November 2014 is quashed. However, we make it clear that this order would not stand in the way of the first respondent from referring the matter to the State Level Scrutiny Committee for ascertaining the genuineness or otherwise of the Community Certificate produced by the petitioner.

7. The writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Svki

Sd/-

Assistant Registrar (CS VI)

/TRUE COPY/

Sub-Assistant Registrar

To

1.The General Manager (P&A) (Acting)
Madras Fertilizers Limited,
Manali, Chennai-600 068.

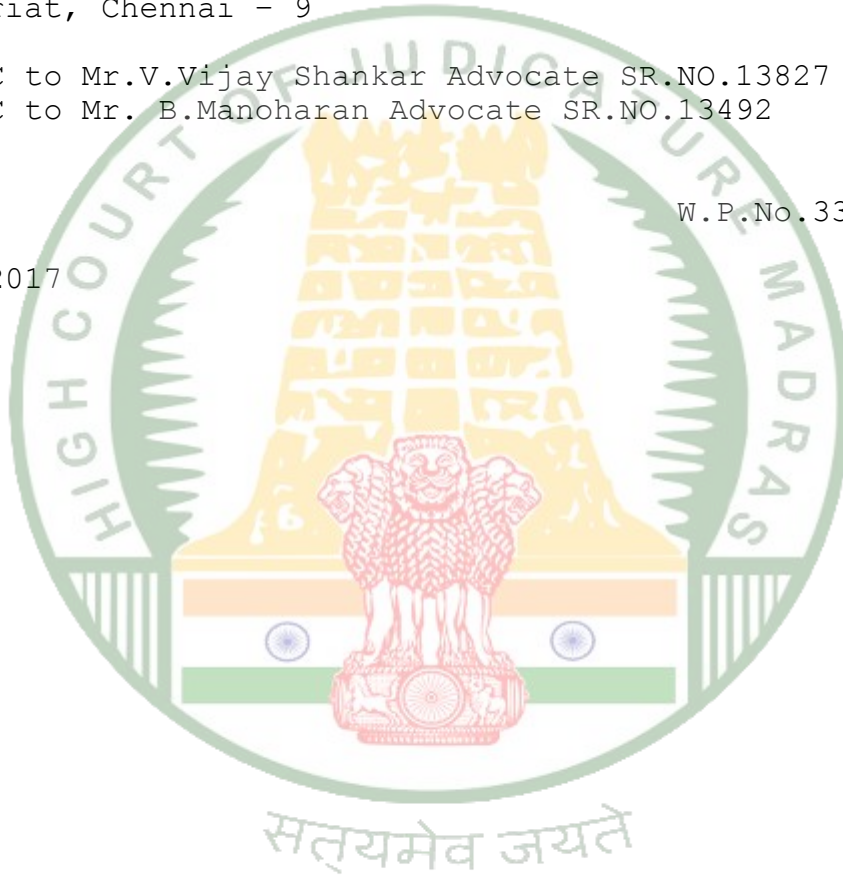
2.The Chairman,
State Level Scrutiny Committee and
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Namakkal Kavingar Maligai,
Secretariat, Chennai - 9

+1 CC to Mr.V.Vijay Shankar Advocate SR.NO.13827

+1 CC to Mr. B.Manoharan Advocate SR.NO.13492

W.P.No.33363 of 2014

AK[CO]
MK:14/03/2017



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