

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22.03.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.2301 of 2015
and
MP.Nos.1, 2 and 3 of 2015

V.Sathyamurthi

..... Petitioner

Vs

1.The Chairman & Secretary to Government,
Tamil Nadu State Level Scrutiny Committee &
Adi Dravidar & Tribal Welfare Department,
Secretariat, Namakkal Kavignar Maaligai,
III Floor, Fort St George, Chennai - 600 009.

2. The Government of Puducherry, Rep. by its
Secretary to Government,
Public Works Department,
Puducherry - 605 001.

3. The Pondicherry S.C.Peoples Welfare Association,
(Reg No.456/2002), Rep. by its President,
No.23, Bharathidasan Street,
11th Cross, Krishna Nagar, Puducherry-605 008.
(R3.Impleaded as per order dt.24/7/2015 in
MP.3/15 in W.P.No.2301/15)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the
Constitution of India, seeking for a Writ of CERTIORARI to
call for the records of the 1st Respondent in Proceedings
No.14024/CV-4/2014 - 17 dated 23.01.2015 and quash them.

For Petitioner : Mr.Vijayanarayanan, Senior Counsel for
M/s.Menon Karthik

For Respondents : Mr.A.Kumar Spl. GP for R1.

Mr.S.Ramesh AGP (P) for R2.
Ms.Vaigai Senior Counsel for
M/s.Anna Mathew for R3

O R D E R

K.K.SASIDHARAN, J.

This Writ Petition is directed against the order dated 23 January 2015 on the file of the Tamilnadu State Level Scrutiny Committee rejecting the community status claimed by the Petitioner and declaring that the Scheduled Tribe certificate obtained by him is not genuine.

2. When the Writ Petition was taken up for final disposal, the learned Senior Counsel for the Petitioner submitted that the State Level Scrutiny Committee conducted a review of the matter and recalled the impugned order dated 23 January 2015. According to the learned Senior Counsel, in view of the subsequent developments nothing survives for adjudication in the Writ Petition.

3. The Learned Senior Counsel for the 3rd respondent submitted that the State Level Scrutiny Committee conducted a detailed enquiry and arrived at a very clear finding that the petitioner does not belong to Hindu Kondareddy Community. According to the learned Senior Counsel the scrutiny committee was not correct in reviewing its earlier order without there being a specific provision. The Learned Senior Counsel further contended that the petitioner on the strength of the community certificate secured employment in Pondicherry which is earmarked for the Scheduled Tribes and as such there should be a judicial determination of his claim.

4. The Petitioner is challenging the legality and correctness of the order passed by the State Level Scrutiny Committee. The State Level Scrutiny Committee recalled its order dated 23 January 2015 and decided to hold fresh enquiry. In view of the subsequent events, there is no question of considering the correctness of the order dated 23 January 2015.

5. The order passed by the State Level Scrutiny Committee dated 27 September 2016, recalling the earlier order dated 23 January 2015 is taken on record.

6. The State Level Scrutiny Committee is directed to conduct the enquiry as indicated in the Judgment of the Hon'ble Supreme Court in Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others [(1994) 6 SCC 241] and subsequently in Dayaram v. Sudhit Batham [(2012) 1 SCC 333] and decide the claim made by the Petitioner on merits.

7. The petitioner should be given reasonable opportunity to produce materials to substantiate his contention. The State Level Scrutiny Committee is directed to conclude the proceedings as expeditiously as possible and in

any case, within a period of four months from the date of receipt of copy of this order.

8. The Writ Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

dsa/si
To

1.The Chairman & Secretary to Government,

Tamil Nadu State Level Scrutiny Committee &
Adi Dravidar & Tribal Welfare Department,
Secretariat, Namakkal Kavignar Maaligai,
III Floor, Fort St George, Chennai - 600 009.

2.The Secretary to Government,
The Government of Puducherry,
Public Works Department,
Puducherry - 605 001.

3. The President,
The Pondicherry S.C.Peoples Welfare Association,
(Reg No.456/2002),
No.23, Bharathidasan Street,
11th Cross, Krishna Nagar, Puducherry-605 008.

+1cc to Government Pleader sr.18291

+1cc to Government Pleader (Pondy) sr.18340

+1cc to M/s.Menon Karthick,Advocate 18089

+1cc to M/s.Anna Mathew,Advocate sr.17754

W.P.No.2301 of 2015

msm(co)
ss(18/4/2017)