

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2017

CORAM

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN  
and  
THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.2555 of 2015  
and M.P.No.1 of 2015

S. Swapna

...Petitioner

Vs.

1. State of Tamilnadu,  
Rep. by its Secretary to Government,  
Adi Dravidar and Tribal Welfare (CV2) Department,  
Secretariat,  
Chennai - 600 009.
2. State level scrutiny committee,  
Rep. by its Chairman  
Adi Dravidar and Tribal Welfare (CV2) Department,  
Secretariat,  
Chennai - 600 009.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari or order or direction in the nature of a writ calling for the records relating to the order of cancellation passed in proceedings in No. 1941/CV-4/2006-13 dated 20.01.2015 on the file of the 2nd respondent, quash the same.

For Petitioner :Mr.S.Doraisamy

For Respondents :Mr. K.Venkatramani,  
Additional Advocate General  
Assisted by Mr. A.Kumar,  
Special Government Pleader

O R D E R

K.K. SASIDHARAN, J.

The proceedings of the Tamil Nadu State Level Scrutiny Committee negating the plea made by the petitioner that she belongs to Hindu Kurumans Community is under challenge in this writ petition.

2. The petitioner obtained Community Certificate from the Personal Assistant to the District Collector, Chennai on 13 August 1997. The petitioner, on the strength of the said Certificate, secured admission in the District Institute of Education and Training, Tiruvallur. The Community Certificate was sent to the State Level Scrutiny Committee for verification. The Scrutiny Committee referred the matter to the District Level Vigilance Cell for investigation. Thereafter, taking into account the report received from the District Level Vigilance Cell and the documents available on record, the Committee rejected the claim made by the petitioner. The said order is under challenge in this writ petition.

3. The learned counsel for the petitioner contended that the petitioner produced as many as 20 documents before the State Level Scrutiny Committee to demonstrate that she belongs to Kurumans Community. According to the learned counsel, none of those documents were taken note of by the Scrutiny Committee while deciding the claim made by the petitioner.

4. The learned Additional Advocate General contended that the petitioner failed to appear before the Committee for personal hearing and as such, the Committee was constrained to pass the order, taking into account the available materials.

5. The documents available on record indicate that the Personal Assistant to the Collector, Chennai, issued a Community Certificate to the petitioner on 13 August 1977. Similarly, Community Certificates were issued to her sisters S.Sudha, S.Jeeva and S.Mythili on 13 August 1997. The father of the petitioner was also given a Community Certificate by the jurisdictional Tahsildar on 16 August 1975. The Service Register of Thiru S.Shanmugam, the father of the petitioner indicates that he belongs to Hindu Kurumans Community. The Service Register of Thiru V.N.Subramanian, father of Thiru S.Shanmugam indicates that he belongs to Scheduled Tribe. It is the grievance of the petitioner that none of those documents were taken note of by the State Level Scrutiny Committee.

6. We have perused the order passed by the State Level Scrutiny Committee dated 20 January 2015 declaring the community status of the petitioner. The order does not contain any indication that the documents referred to above were taken into account before deciding the matter. We are therefore, of the view that the impugned order is liable to be set aside.

7. In the result, the order dated 20 January 2015 is set aside. The State Level Scrutiny Committee is directed to issue notice to the petitioner to produce documents relied on

by her to prove her community status. The petitioner must produce all the documents and appear before the Committee for personal hearing. The State Level Scrutiny Committee is directed to conduct enquiry with notice to the petitioner and consider the documents produced by her and decide the issue regarding her community 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/-

Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

gms  
To:

1. The Secretary to Government,  
State of Tamilnadu,  
Adi Dravidar and Tribal Welfare (CV2) Department,  
Secretariat, Chennai - 600 009.
2. The Chairman, State Level Scrutiny Committee,  
State of Tamilnadu,  
Adi Dravidar and Tribal Welfare (CV2) Department,  
Secretariat, Chennai - 600 009.

+1cc to M/s.S.Doraisamy, Advocate sr.24014

+1cc to Government Pleader sr.24133

W.P. No. 2555 of 2015

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