

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 30.11.2017****CORAM:****THE HONOURABLE MR.JUSTICE C.T.SELVAM
AND****THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN****W.P.No.26871 of 2017****AND****WMP.No.28638 of 2017**

S.Venkateswaralu

... Petitioner

-Vs-

1. State of Tamil Nadu,
Rep.by its Secretary to Government,
Adi Dravidar and Tribal Welfare (ADW-5)
Department, Secretariat,
Chennai-600 009.
2. State Level Scrutiny Committee rep. by its
Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.
3. The Deputy Superintendent of Police and
the Chairman of District Vigilance Committee,
Social Justice and Human Rights Division,
Pudukottai District, Pudukottai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the Letter No.8756/CV-2/2007-17 dated 22.04.2016 on the file of the first respondent and the consequential notice issued in Na.Ka.No.01/Sa.Nee.Ma.U.Pi/Pudukai/2017 dated 06.10.2017 on the file of the 3rd respondent quash the same.

For Petitioner : Mr.S.Doraisamy
For Respondent : Mr.S.N.Parthasarathy
Government Advocate

ORDER

[Order of the Court was made by **C.T.SELVAM, J.**]

This writ petition has been filed to call for the records relating to the Letter No.8756/CV-2/2007-17 dated 22.04.2016 on the file of the first respondent and the consequential notice issued in Na.Ka.No.01/Sa.Nee.Ma.U.Pi/Pudukkottai/2017 dated 06.10.2017 on the file of the 3rd respondent and to quash the same.

2. Petitioner informs of belonging to Kattunayakan Community (a Scheduled Tribe). Petitioner obtained community certificate from the learned Judicial First Class Magistrate, Pudukkottai, who was the then the Competent Authority, on 14.08.1985. Petitioner was appointed as Probationary Clerk in Canara Bank under S.T. Quota. On 23.08.2000, the Revenue Divisional Officer, Pudukkottai issued notice to the petitioner to appear for enquiry regarding verification of the Community Certificate. Petitioner gave his explanation to the Revenue Divisional Officer on 30.08.2000. No order was passed based on the enquiry.

3. On 19.04.2001 the District Vigilance Committee, Pudukkottai issued show cause notice to petitioner against cancellation of community certificate issued by learned Judicial First Class Magistrate. Explanation was called for within fifteen days. Petitioner filed WP. No.9779 of 2001 on the ground that the District Level Vigilance Committee has no jurisdiction to enquire into the genuineness of the Community Certificate. When the said writ petition came up for final disposal on 18.10.2001, this Court set aside the notice of the District Level Vigilance Committee. Thereafter, petitioner wrote to respondents stating that he could not attend the enquiry on 19.06.2013 due to ill health. On 05.12.2013, petitioner made a request to the respondents seeking one months time and the enquiry was postponed. First respondent issued a show cause notice on 26.02.2014 directing petitioner to file a written explanation. There against, the petitioner filed WP No.10763 of 2014 and this Court directed petitioner to submit his explanation to the show cause notice and directed respondents to conduct enquiry. Petitioner submitted his explanation on 10.06.2014. First respondent issued a notice on 22.04.2016 directing Deputy Superintendent of Police, Madurai Region to conduct an enquiry and send a report. Third respondent issued a notice on 06.10.2017 calling upon petitioner to appear for an enquiry on 10.10.2017. Hence, this writ petition.

4. Heard learned counsel for petitioner and learned Government Advocate appearing for respondents.

5. The impugned proceedings relate to letter issued by first respondent calling for examination of the community certificate of petitioner through third respondent. Such role is reserved for the second respondent in G.O.Ms.No.106, Adi Dravidar and Tribal Welfare Department dated 15.10.2012.

6. In such view of the matter, this writ petition shall stand allowed. First respondent's Letter No.8756/CV-2/2007-17 dated 22.04.2016 and consequential notice of third respondent in Na.Ka.No.01/Sa.Nee.Ma.U.Pi/Pudukai/2017 dated 06.10.2017 shall stand quashed. It will now be open to the second respondent to act in keeping with G.O.Ms.No.106, Adi Dravidar and Tribal Welfare Department dated 15.10.2012. No costs. Consequently, connected miscellaneous petition is closed.

WEB COPY

[C.T.S., J] [M.V.M., J]

30.11.2017

kmi

Index : Yes/no
Speaking/Non-speaking order

To

1. State of Tamil Nadu,
Rep.by its Secretary to Government,
Adi Dravidar and Tribal Welfare (ADW-5)
Department, Secretariat,
Chennai-600 009.
2. State Level Scrutiny Committee rep. by its
Chairman and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.
3. The Deputy Superintendent of Police and
the Chairman of District Vigilance Committee,
Social Justice and Human Rights Division,
Pudukottai District, Pudukottai.



WEB COPY

C.T.SELVAM, J
and
M.V.MURALIDARAN, J

kmi



W.P.No.26871 of 2017

WEB COPY

30.11.2017