

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.04.2017

CORAM:

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

W.P. No.18381 of 2014

Sridevi Narmada

...Petitioner

Vs.

1. The Chairman,  
State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department  
Secretariat,  
Chennai-600 009.
2. The District Collector,  
Collectorate Office,  
Coimbatore.
3. Revenue Divisional Officer,  
Chidambaram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a writ of Certiorarified Mandamus calling for the records of the order passed by the first Respondent in proceedings No.40193/ADW5/2007-8 dated 16.04.2012 and consequently direct the third respondent to issue a Kattunayakan Community Certificate in favour of the petitioner namely Sridevi Narmadha by considering petitioner's representation dated 27.12.2011.

For Petitioner  
For Respondents

: Mr.Srinath Sridevan  
: Mr. A.Kumar  
Special Government Pleader

O R D E R

K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 16 April 2012 on the file of the State Level Scrutiny Committee, rejecting the claim made by the petitioner that he belongs to Kattunayakan Community, which is notified as a Scheduled Tribe.

2. The petitioner, on the strength of the Community certificate dated 16 October 1996 recognising her as a member of Kattunayakan Community, submitted application for employment. The Government appears to have sent the Certificate for verification after conducting the interview.

3. The State Level Scrutiny Committee took up the matter and ultimately, by order dated 16 April 2012 rejected the claim made by the petitioner.

4. The learned counsel for the petitioner contended that the State Level Scrutiny Committee failed to consider the materials produced by the petitioner. The learned counsel submitted that the petitioner produced voluminous documents indicating her community status. Even the Certificates issued to the brothers of the petitioner were also produced before the State Level Scrutiny Committee. According to the learned counsel, there is nothing made out from the order that the documents were considered before rejecting the claim.

5. The learned Special Government Pleader justified the order passed by the State Level Scrutiny Committee. According to the learned Special Government Pleader, the State Level Scrutiny Committee conducted detailed enquiry through the Vigilance Committee and thereafter, arrived at a finding with regard to the community status claimed by the petitioner. It was further contended that even the Anthropologist's Report was against the petitioner and as such, there is no merit in the contention taken by the petitioner.

6. The petitioner claims that she belongs to Kattunayakan Community, which is notified as a Scheduled Tribe. The educational and service records of the petitioner's father indicate that he belongs to 'Gavara' community. The Revenue Divisional Officer, Chidambaram, rejected the application submitted by the brothers of the petitioner for Community Certificates by order dated 23 September 1992. The said order was challenged before this Court in W.P.No.21808 of 1993. This Court set aside the said order and directed the Revenue Divisional Officer to conduct fresh enquiry and decide the

matter on merits. Thereafter, the Revenue Divisional Officer conducted enquiry and ultimately issued the Community Certificates to the brothers of the petitioner.

7. In the subject case, the State Level Scrutiny Committee appears to have taken the views of the Anthropologist before deciding the matter. Similarly, enquiry was conducted through the Vigilance Cell. The Enquiry Report and the report submitted by the Anthropologist were also taken as basic materials to decide the issue against the petitioner.

8. The order passed by the State Level Scrutiny Committee does not contain any indication about the materials considered for rejecting the claim made by the petitioner.

9. There is no dispute that the State Level Scrutiny Committee is empowered to decide the community status, notwithstanding the certificate issued to the brothers of the petitioner. It is so because, only for the first time, the State Level Scrutiny Committee looked into the genuineness of the Community Certificate issued to the family members of the petitioner. There is no doubt that notwithstanding the Certificate issued to the brothers of the petitioner, it is open to the Scrutiny Committee to consider the entire materials, to decide as to whether the petitioner belongs to Scheduled Tribe Community. However, no such attempt was made by the State Level Scrutiny Committee. The same is evident from the order impugned in this writ petition. We are therefore, of the view that the issue requires fresh consideration by the State Level Scrutiny Committee.

10. In the result, the order dated 16 April 2012 is set aside. The matter is remitted to the State Level Scrutiny Committee for fresh consideration. The State Level Scrutiny Committee is directed to issue notice to the petitioner and two of his brothers to whom the certificates were given earlier, consider the materials afresh and pass orders on merits and as per law. We are constrained to issue this direction in view of the reliance placed by the petitioner on the certificates issued to her brothers, which were not subjected to verification so far by the State Level Scrutiny Committee.

11. We make it clear that the State Level Scrutiny Committee being the creature of the judgment of the Supreme Court in *Kumari Madhuri Patil v. Additional Commissioner, Tribal Development and others* [(1994) 6 SCC 241], is at liberty to consider all the materials to arrive at an independent finding. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

The writ petition is allowed as indicated above. No costs.

-s/d-  
Assistant Registrar(CSVIII)

True Copy

Sub-Assistant Registrar

gms

To

1. The Chairman,  
State Level Scrutiny Committee,  
Adi Dravidar and Tribal Welfare Department  
Secretariat,  
Chennai-600 009.
2. The District Collector,  
Collectorate Office,  
Coimbatore.
3. Revenue Divisional Officer,  
Chidambaram.

+1 cc to the Government Pleader sr 22302

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