

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	26/07/2017
PRONOUNCED ON	31/07/2017

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

AND

THE HONOURABLE Mr. JUSTICE P.D.AUDIKEVALU

W.P.No.18992 of 2017 &
W.M.P.Nos.20523 & 20524 of 2017

Uma

... Petitioner

Vs.

- 1.The Secretary,
Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Fort. St. George,
Chennai-600 009.
- 2.The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Fort. St. George,
Chennai-600 009.
- 3.The Director,
Tribal Welfare Department,
Chepauk, Chennai-600 005.
- 4.The Deputy Superintendent of Police,
SC/ST, Vigilance Cell,
Salem Zone, No.109,
Collectorate Office, Salem-1.
- 5.The District Adi Dravidar and Tribal Welfare Officer,
Collectorate, Salem. .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records of the impugned report in C.No.60/DSP/SC/ST Vigilance Cell / Salem Region/2016, dated 06.02.2017, on the file of the fourth respondent and quash the same.

For Petitioner : Mr.R.Rajarajan
For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

P.D.AUDIKESAVALU, J.

Heard Mr.R.Rajarajan, learned counsel appearing for the petitioner and Mr.M.Elumalai, learned Government Advocate, who takes notice for the respondents. By consent, the Writ Petition is taken up for hearing at the stage of admission itself.

2. The Writ Petition challenges the report in C.No.60/DSP/SC/ST Vigilance Cell/Salem Region/2016, dated 06.02.2017 submitted by the fourth respondent viz., The Deputy Superintendent of Police, SC/ST Vigilance Cell, Salem Zone, Collectorate Office, Salem in respect of the petitioner for the verification of her Scheduled Tribe Community Certificate before the State Level Scrutiny Committee.

3. Though certain flaws in the process adopted by the Vigilance Cell are complained in the affidavit filed in support of the Writ Petition, there is conspicuously no explanation as to how the same would cause any prejudice to the Petitioner at this stage. It is needless to point out here that the impugned report of the Vigilance Cell is akin to an enquiry report in a disciplinary proceeding and as such, the petitioner can place all her objections for the findings in that report by way of a representation before the State Level Scrutiny Committee which is verifying her Community Certificate. Hence, we do not find any ground to entertain this premature Writ Petition and interfere with the ongoing process of verification of the Community Certificate of the petitioner.

4. On receipt of such representation of the petitioner within a period of two weeks from today, the State Level Committee shall examine each of the objections raised by the petitioner and after affording her full opportunity of hearing, including production of documents and examination of witnesses, if any, shall pass reasoned orders on the verification of the Scheduled Tribe Community Certificate of the petitioner on merits and in accordance with law, taking note of the relevant Governmental Orders and binding Judicial decisions governing the subject. The aforesaid exercise shall be completed by the State Level Scrutiny Committee within a period of eight weeks from the date of receipt of the aforesaid representation of the petitioner and a report in compliance of the action taken shall be filed to the Registrar (Judicial) of this Court, within a period of two weeks thereafter.

5. With the above observations, the Writ Petition is dismissed. There is no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary,
Adi Dravidar and Tribal Welfare (CV3),
Department Secretariat, Fort. St. George,
Chennai-600 009.
- 2 The State Level Scrutiny,
Committee Adi Dravidar and Tribal Welfare,
(CV3) Department Secretariat,
Fort. St. George, Chennai-600 009
- 3 The Director,
Tribal Welfare Department, Chepauk,
Chennai-600 005
- 4 The Deputy Superintendent of Police,
SC/ ST Vigilance Cell,
Salem Zone No.109, Collectorate Office,
Salem-1.
- 5 The District Adi Dravidar
and Tribal Welfare Officer,
Collectorate, Salem.
6. The Registrar Judicial,
High Court, Madras-104.

+1cc to Mr.G.Rajan, Advocate, S.R.No.54199
+1cc to the Government Pleader, S.R.No.55668

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MSM(CO)
GN(29/08/2017)