

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.35614 of 2015

R.Mohana Ranga Raju

...Petitioner

Vs.

1. The Chairman.

State Level Scrutiny Committee  
and Secretary to Government,  
Adi Dravidar and Tribal Welfare Department,  
Namakkal Kavingar Maligai Fort St.George,  
Secretariat, Chennai - 9.

2. The Chief Superintendent of Jails,  
Jail Department, Kalapet,  
Puducherry.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the  
Constitution of India, to issue a writ of Certiorari calling  
for the records of the 1st respondent in its proceedings No.  
4864/CV-4(2)/2014-8 dated 19.10.2015 and quash the same.

For Petitioner : Mr. V.Vijayshankar

For Respondent 1 : Mr. K.Venkatramani  
Additional Advocate General  
Assisted by Mr.A.Kumar  
Spl.Govt.Pleader

For Respondent 2 : Mr. R.Syed Mustafa  
Special Government Pleader  
(Puducherry)

O R D E R

K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 19  
October 2015 on the file of the Tamil Nadu State Level  
Scrutiny Committee declaring that the petitioner does not  
belong to Hindu Kondareddy Community and as such, the  
Certificate obtained by him on 14 September 1978 is not  
genuine.

2. The petitioner obtained a Community Certificate from the jurisdictional Tahsildar on 14 September 1978. The petitioner produced the said certificate before the Jail Department, Puducherry and secured employment against a post reserved for Scheduled Tribe. Subsequently, the Revenue Divisional Officer, Gobichettipalayam initiated proceedings to test the validity of the Community Certificate. The petitioner challenged the action taken by the Revenue Divisional Officer before this Court in W.P.No.26135 of 2003. The writ petition was allowed and a direction was issued to initiate scrutiny proceedings by the State Level Scrutiny Committee. Thereafter, the State Level Scrutiny Committee commenced the proceedings. It is the grievance of the petitioner that discreet enquiry was conducted by the State Level Scrutiny Committee behind his back and none of the documents relied on by the Committee to arrive at a finding that he does not belong to the Scheduled Tribe Community, were furnished to him.

3. The State Level Scrutiny Committee in its order dated 19 October 2015 relied on certain materials, which according to the petitioner were not furnished to him. The petitioner, therefore, challenges the order primarily on the ground that an attempt was taken to hold enquiry behind his back and materials collected during such enquiry were relied on to reject his claim for community status.

4. We have heard the learned counsel for the petitioner and the learned Additional Advocate General for the first respondent. We have also heard the learned Special Government Pleader (Pondy) for the second respondent.

5. There is no dispute that the jurisdictional Tahsildar issued a Community Certificate to the petitioner on 14 September 1978. It is also not in dispute that the petitioner secured employment in Puducherry on the strength of the Scheduled Tribe Community Certificate.

6. The Community Certificate issued to the petitioner was subjected to verification by the State Level Scrutiny Committee. The order passed by the Committee negating the claim made by the petitioner is challenged primarily on the ground that none of the materials relied on were given to him. In view of the said contention, we directed the learned Additional Advocate General to peruse the file and take instructions as to whether the documents were furnished to the petitioner.

7. The learned Additional Advocate General after taking instructions, fairly submitted that the report contains 103 pages and only 8 pages were given to the petitioner.

8. The submission made by the learned Additional Advocate General clearly shows that relevant documents were not given to the petitioner. In case, the Committee was of the view that all those documents should be taken note for deciding the issue, necessarily copies of documents should be given to the petitioner. It is not as if the matter could be decided by the State Level Scrutiny Committee on the basis of materials collected behind the back of the petitioner. Therefore, we do see considerable force in the submission made by the learned counsel for the petitioner. Since the relevant documents were not furnished to the petitioner, the impugned order is liable to be set aside.

9. In the result, the order dated 19 October 2015 is set aside. The matter is remitted to the State Level Scrutiny Committee for fresh consideration. The Committee is directed to furnish all the documents to the petitioner, so as to enable him to offer his response. In case, the Committee has examined witnesses and opportunity was not given to the petitioner to cross examine those witnesses, necessarily those witnesses should be summoned for cross examination by the petitioner. There is no need to send the matter back for examining the witnesses. It would suffice if summons is issued to the witnesses for appearance before the State Level Committee, so as to enable the petitioner to cross examine them with reference to the statements given by them earlier. In case the Committee is of the view that the witnesses need to be examined afresh, it is open to them to take such a course. However, it must be ensured that the witnesses are examined in the presence of the petitioner and he shall be given an opportunity to cross examine them in the light of the statements given by them.

10. In any case, the Committee shall see that principles of natural justice is followed in all respects. Since the matter is pending for long, 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 a copy of this order. It is needless to point out that the petitioner shall co-operate with the Committee for an early disposal of the matter.

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

Sd/-  
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

TO:

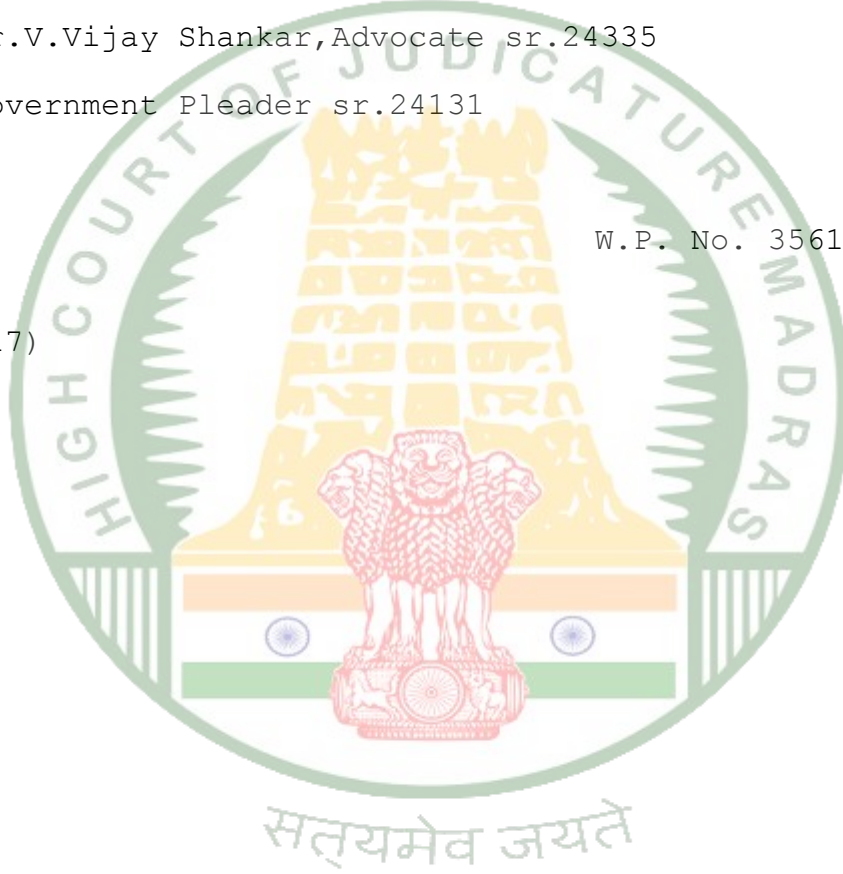
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2. The Chief Superintendent of Jails,  
Jail Department, Kalapet,  
Puducherry.

+1cc to Mr.V.Vijay Shankar, Advocate sr.24335

+1cc to Government Pleader sr.24131

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vsn(co)  
ss(4/5/2017)



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