IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE V.PARTHIBAN

Review Application (W) No.164 of 2016

T.Chozhavendan .. Applicant

Vs.

1. State of Tamil Nadu
   rep. by the Principal Secretary to Government
   Home Department (Courts - I)
   Secretariat
   Chennai 600 009.

2. The Secretary
   Tamil Nadu Public Service Commission
   Chennai 600 002.

3. State Level Scrutiny Committee
   rep. by the Chairman & Secretary
   to the Government
   Adi Dravidar & Tribal Welfare Department
   Secretariat
   Chennai 600 009.

4. The Deputy Superintendent of Police
   Vigilance Cell SC/ST
   Salem Region
   Room No.109
   Collectorate of Salem
   Salem 636 001. .. Respondents

Application under Order XLVII, Rule 1, CPC read with Section 114 of CPC, to review the order dated 17.11.2016 made in W.P.No.35507 of 2016.

For Applicant : Mr.M.Radhakrishnan

For Respondents 1,3 & 4 : Mr.K.Venkataramani
Additional Advocate General
Assisted by
Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

(Made by Huluvadi G.Ramesh,J)

This application has been filed seeking to review the order of this Court dated 17.11.2016 made in W.P.No.35507 of 2016.

2. Heard the learned counsel for the applicant and the learned Additional Advocate General appearing for the respondents 1, 3 and 4.

3. This Court, holding that the act of the State Level Scrutiny Committee in verifying the genuineness of the community certificate issued to the applicant, since the report of the Vigilance Committee was bereft of necessary details for ascertaining the community status of the applicant, was not contrary to Clause (vi) of the guidelines set out in W.P.Nos.30368 and 31973 of 2015 dated 21.12.2015 and therefore, no interference was called for with the order of the State Level Scrutiny Committee, dismissed the writ petition.

4. According to the applicant, when there is no adverse remarks made by the Vigilance Committee, the State Level Scrutiny Committee should not have cancelled the community certificate, without giving an opportunity to the applicant and that due procedure has not been followed before cancelling the certificate. Further, the applicant was not furnished with the copy of the documents relied upon by the Committee before the passing of order. Moreover, the observation of the Court that "Kurumba" is MBC is incorrect, since "Kurumbar" does not fall under the category of MBC and therefore, the applicant has come up with this application to review the order of this Court.

5. In the light of the ratio laid down in ***Kumari Madhuri Patil v. Additional Commissioner [(1994) 6 SCC 241]***, we direct the State Level Scrutiny Committee to refer the matter once again to the Director of Social Welfare. The Director of Social Welfare shall enquire the people at the Village where the parents and forefathers of the applicant were residing as to whether the custom and practice followed by them belong to Scheduled Tribe or Most Backward Class and thereafter, submit a report to the State Level Scrutiny Committee. On receipt of such report, the State Level Scrutiny Committee shall issue notice to the applicant and based on the report submitted by the Director of Social Welfare, the Committee shall decide the community status of the applicant, after furnishing a copy of the report to the

applicant and after the applicant in person. This exercise shall be done within a period of four weeks from the date of receipt of a copy of this order.

In the result, the review application is allowed and the order of this Court dated 17.11.2016 made in W.P.No.35507 of 201 .is modified in the above terms. No costs.

Index : Yes/No (H.G.R.J.) (V.P.N.J.)
Internet: Yes/No 12.01.2017

kpl

To

1. The Principal Secretary to Government
   Home Department (Courts - I)
   Secretariat
   Chennai 600 009.
2. The Secretary
   Tamil Nadu Public Service Commission
   Chennai 600 002.
3. The Chairman & Secretary to the Government
   State Level Scrutiny Committee
   Adi Dravidar & Tribal Welfare Department
   Secretariat
   Chennai 600 009.
4. The Deputy Superintendent of Police
   Vigilance Cell SC/ST
   Salem Region
   Room No.109
   Collectorate of Salem
   Salem 636 001.

HULUVADI G.RAMESH,J,
and
V.PARTHIBAN,J.

kpl

Rev.A.(W) No.164 of 2016.

12.01.2017.

http://www.judis.nic.in