

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2017

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THE HONOURABLE MR.JUSTICE NOOTY. RAMAMOHANA RAO

and

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.14817 of 2013

Dr.G.Sathiyamoorthy ... Petitioner

Vs.

- 1.State of Tamil Nadu
rep by The Secretary to Government,
Adi Dravidar & Tribal Welfare (CV1) Department,
Secretariat, Chennai - 9.
- 2.Tamil Nadu State Level Scrutiny Committee,
rep by Chairman,
Adi Dravidar & Tribal Welfare Department,
Namakkal Kavignar Maligai,
III Floor, Chennai - 9.
- 3.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Usilampatti, Madurai District. ... Respondents

Writ Petition filed under Article 226 of Constitution of India praying to issue a Writ of certiorarified mandamus calling for the records on the file of the 2nd respondent in connection with the order passed by him in Proc.No.16395/CVIII/2009 dated 03.05.2013 and quash the same and direct the respondents to declare that the petitioner belongs to 'Konda Reddy' Community as per the certificate issued in his favour dated 12.08.1981.

For Petitioner : Mr.R.Singaravelan, Senior Counsel
for Ms.M.Srividhya

For Respondents : Mr.P.S.Shivashanmugasundaram,
Special Government Pleader

O R D E R

This Writ Petition is directed against the order dated 03.05.2013, passed by the State Level Scrutiny Committee,
<https://hcservices.ecourts.gov.in/hcservices/>

confirming the finding rendered by the Revenue Divisional Officer, Usilampatti, declining to recognise the Writ Petitioner as belonging to 'Konda Reddy' Community, a notified Scheduled Tribe.

2.Verification of the genuineness of the claims made by the candidates belonging to Scheduled Caste or Scheduled Tribe or Backward Class has become an acute necessity, nay, a legal obligation to prevent miscarriage of justice. With the increased number of false claims, it has become absolutely necessary to undertake a strict scrutiny and verification of such claims.

3.Pursuant to the judgment of the Hon'ble Supreme Court in Kumari Madhuri Patil and another Vs. Additional Commissioner, Tribal Development and others reported in (1994) 6 Supreme Court Cases 241, the State of Tamil Nadu has constituted a District Vigilance Committee and a State Level Scrutiny Committee to verify the genuineness of the Community Certificates issued/claimed by persons, who belonged to Scheduled Caste/ Scheduled Tribe. To enable the aforesaid mechanism to function transparently and properly, guidelines have been framed and they were published through the orders of the State Government contained in the G.O.Ms.No.106 Adi Dravidar and Tribal Welfare (CV I) Department dated 15.10.2012.

4.In the instant case, we must necessarily acknowledge the fairness exhibited by Mr.P.S.Shivashanmugasundaram, learned Special Government Pleader that the State Level Scrutiny Committee has not faithfully followed the guidelines contained in the aforementioned Government Order while rejecting the claim of the Writ Petitioner.

5.Adopting a fair procedure eliminates criticism that powers are exercised arbitrarily and capriciously. More importantly, a fair procedure is the hallmark of a fair principle of governance of the State. If the claim made by the Writ Petitioner that he belongs to 'Konda Reddy' Community, a community which is recognised as a Scheduled Tribe, is not a fair or an acceptable one, ultimately the decision in that regard should be arrived at, after following a fair and transparent procedure. The reason for the conclusions also would help the person concerned to know as to why his claim has not been upheld.

6.In view of what has been noted supra by us, we consider it appropriate to set aside the impugned order and remand the matter back for fresh consideration by the State Level Scrutiny Committee.

7.We hope and trust that the State Level Scrutiny Committee will bestow a proper and careful attention this time around and provide every opportunity to the Writ Petitioner to

produce such material which he considers that is in his favour and supports his claim. At the same time, if any material, which is adverse to the interest of the Writ Petitioner, has also come to the notice of the State Level Scrutiny Committee, either in the form of a report submitted by the Vigilance Cell/Revenue Divisional Officer/Tahsildar, a copy of the same may also be furnished to the Writ Petitioner, so that he can effectively contradict the findings so arrived, if he has any material and the same may be resorted to.

8.We also hope that the entire exercise would be completed, as expeditiously as possible, preferably, within a period of four months from today.

9.With these, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to Government of Tamil Nadu
Adi Dravidar & Tribal Welfare (CV1) Department,
Secretariat, Chennai - 9.
- 2.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar & Tribal Welfare Department,
Namakkal Kavignar Maligai,
III Floor, Chennai - 9.
- 3.The Revenue Divisional Officer,
O/o The Revenue Divisional Officer,
Usilampatti, Madurai District.

+1cc to M/S. M. Srividhya, Advocate Sr.6331

W.P.No.14817 of 2013

NM(CO)
VR(15/02/2017)