

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.Nos.22911 & 34687 of 2003

and

W.P.M.P.No.28320 of 2003

R.Chitra ... Petitioner in W.P.22911 of 2003

S.Sundar Rajan ... Petitioner in W.P.No.34687 of 2003

Vs.

- 1) The District Collector and Chairman,
District Level Vigilance Committee,
Salem District, Salem.
- 2) The State Level Caste Scrutiny Committee,
Rep. by its Secretary,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai 600 009 ... Respondents in W.P.No.22911 of 2003

The District Collector and Chairman,
District level Vigilance Committee,
Madurai District,
Madurai. ... Sole Respondent in W.P.No.34687 of 2003

W.P.22911 of 2003:

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings in Roc.No.31722/2000/D10 dated 29.09.2000 of the first respondent and proceedings in Letter No.28105/ADW2/2000-4 dated 17.06.2003 of the second respondent and quash the orders passed therein.

W.P.34687 of 2003:

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the proceedings in

Roc.No.L8/33238/2002, dated nil.10.2003 and signed on 21.10.2003 of the respondent and quash the orders passed therein.

For Petitioner in both W.Ps. : Mr.Yogesh Kannadasan
for Mr.M.Suresh Kumar

For Respondents in both W.Ps.: Mr.Akhil Akbar Ali,
Government Advocate

C O M M O N O R D E R

As the issue involved in both Writ Petitions is one and the same, the cases are taken up for disposal by a common order.

2. Writ Petition in W.P.22911 of 2003 is filed by one Chitra, seeking to quash the proceedings of the District Collector and Chairman, District Level Vigilance Committee, Salem District, Salem vide Roc.No.31722/2000/D10, dated 29.09.2000 and the proceedings of the State Level Caste Scrutiny Committee, Adi Dravidar Welfare Department vide Letter No.28105/ADW2/2000-4 dated 17.06.2003. Writ Petition in W.P.34687 of 2003 is filed by one Sundar Rajan seeking to quash the proceedings of the District Collector and Chairman, District Level Vigilance Committee, Madurai District, vide Roc.No.L8/33238/2002 dated 21.10.2003.

3. According to the petitioner in W.P.No.22911 of 2003, she belongs to Konda Reddy Community, which is one of the communities listed under Scheduled Tribes and that she got selected and appointed as a Clerk in the Central Bank of India, Coimbatore Region under the quota reserved for Scheduled Tribes. Subsequently, the petitioner got transferred and posted to Trichy region. In spite of the petitioner's earlier submission of Community Certificate, dated 10.05.1978 obtained from the Revenue authorities at the time of selection, the petitioner's employer again directed her to produce another Community Certificate. Accordingly, the petitioner obtained another Community Certificate, dated 06.06.1985 from the Special Tahsildar, Salem. In 1986, suspecting the genuineness of her Community Certificate, the same was sent for verification to the District Collector, Tiruchirapalli. The then District Collector chose to pass adverse orders on two occasions, which were set aside by this Court and the matter was remitted for fresh enquiry.

4. Subsequently, the 1st respondent conducted an enquiry during the year 2000. Prior to the enquiry conducted by the 1st respondent, the Revenue Divisional Officer, Musiri conducted an

enquiry in the year 1986 and the 1st respondent chose to rely on the said Report submitted by the Revenue Divisional Officer. The petitioner had raised objections about the manner in which the enquiry was conducted by the Revenue Divisional Officer. According to the petitioner/Chitra, she had produced the following documents to the 1st respondent for verification:

- (i) Certificate obtained from the petitioner's family Doctor;
- (ii) Lease deed dated 25.11.1911 in favour of Krishna Reddy, grandfather of petitioner's father.
- (iii) Rent deed dated 05.08.1939 in favour of Sellappa Reddy, who is the father of petitioner's father.
- (iv) Registered will dated 12.09.1977 executed by Narayana Reddy.
- (v) Partition deed dated 30.01.1978 between Duraisami Reddy and others;
- (vi) Sale Deed dated 13.09.1978 in favour of Rengaraji Reddy and another by name Arunachala Kavundar;
- (vii) Sale deed dated 01.09.1979 in favour of Senthana by Sivasami;
- (viii) Sale deed dated 15.11.1979 in favour of Ramaraju by Rengaraju;
- (ix) Sale deed dated 23.08.1982 in favour of Sadasivam and others by Vijayavenkatachala Durai;
- (x) Sale deed dated 07.08/1989 in favour of minor Sivaguru guardian Sadasivam by Varadaraju;
- (xi) Sale Deed dated 14.03.1991 in favour of Kamalakannan by Punithavathi.

5. According to the petitioner in W.P.No.34687 of 2003, viz. Sundar Rajan, he belongs to Hindu Malaikuravan Community, which is one of the communities listed under Scheduled Tribes and that he joined the services of Life Insurance Corporation of India as a Peon in the year 1965 and after completing a tenure of 38 years, he retired from the service of Life Insurance Corporation of India in March 2005. Suspecting the genuineness of his Community Certificate, the same was sent for verification to the Revenue Divisional Officer, Madurai during 1995 and in April 2002, he was asked to appear before the District Collector and Chairman, District Level Vigilance Committee, Madurai, to ascertain about the genuineness of the Community Certificate of the petitioner. According to the petitioner, Sundar Rajan, he had produced the following documents to the respondent for verification:

- (i) Report of the Tahsildar, Madurai to the effect that S.Ramu, petitioner's son is belonging to the Hindu Malaikuravan community.
- (ii) Community certificate of A.Ganapathi, who is the petitioner's paternal brother.
- (iii) Relationship certificate issued by the Headquarters Deputy Tahsildar, Madurai(S) to the effect that the above mentioned A.Ganapathi is the petitioner's paternal brother.
- (iv) House tax receipt of Madurai Corporation, wherein the name of the petitioner's community has been indicated as Hindu Malaikuravan.
- (v) Letter and statements from various individuals and neighbours to the effect that the petitioner belongs to Hindu Malaikuravan community.
- (vi) Registered Sale Deed of Koodammal, who is the petitioner's paternal sister.
- (vii) Affidavit from the above said Koodammal to the effect that the petitioner is her paternal brother.

6. Heard the learned counsel on either side and perused the material documents available on record.

7. Unfortunately, by the impugned orders, in both Writ Petitions a Committee consisting of two members, rejected the request of the petitioners. The Government, by G.O.(2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.09.2007, constituted a Three-Member Committee. Aggrieved by the impugned orders, the petitioners contended that only a Three-Member Committee can go into the question and that the decision rendered against them need to be interfered with.

8. In support of his case, learned counsel for the petitioners has also relied upon the judgments of a Division Bench of this Court in W.P.No.4867 of 2004 (P.Rajeswari Vs The Chairman and District Collector), dated 27.07.2005; W.P.No.39569 of 2004 (R.Kalyani Vs The District Collector and Chairman) dated 26.07.2005 and W.P.No.10822 of 1999 (S.Subramaniam Vs the District Level Vigilance Committee and another), dated 26.07.2005.

9. On the other hand, learned Government Advocate appearing for the respondents, placing reliance on a decision rendered in Madhuri Patil Vs. Additional Commissioner, Tribal Development (AIR 1995 SC 94) submitted that the case of the petitioners is squarely covered by the said decision of the Apex Court.

10. Taking note of the submissions of both the parties and relying on the said decision of the Apex Court, the orders impugned in the above Writ Petitions are interfered and set aside and the Writ Petitions are allowed. No costs. Consequently, connected W.P.M.P.No.28320 of 2003 is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

sts/aeb

To:

- 1) The District Collector and Chairman,
District Level Vigilance Committee,
Salem District, Salem.
- 2) The Secretary,
State Level Case Scrutiny Committee,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai 600 009
- 3) The District Collector and Chairman,
District level Vigilance Committee,
Madurai District,
Madurai.

+2 Ccs to Mr.T. Suresh Kumar, Advocate sr 48372, 48374.

+1 CC to The Govt. Pleader sr 49393.

W.P.Nos.22911 & 34687 of 2003

SK(CO)
sp(10/10/2017)

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