



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.2016 of 2017

and

W.M.P(MD)No.1660 of 2017

K.Radhakrishnan

.. Petitioner

Vs.

1. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Assistant General Manager (HR),
State Bank of India,
H.R Department,
Local Head Office,
S.S.Kovil Road,
Thampanoor,
Thiruvananthapuram - 695 001.

.. Respondents

(R - 2 is suo motu impleaded as second respondent
vide order of this Court, dated 15.03.2017)

PRAYER: Writ Petition is 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 order in No.D.Dis.A2/3104/2015, dated 22.05.2015 of the respondent and quash the order passed therein.

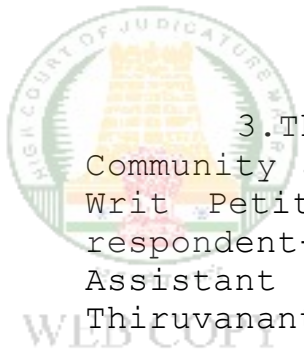
For Petitioner	: Mr.Yogesh Kannadasan
For R - 1	: Mr.VR.Shanmuganathan Special Government Pleader

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Yogesh Kannadasan, learned counsel appearing for the petitioner and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the first respondent.

2.With the consent of either side, the Writ Petition itself
is taken up for final disposal.

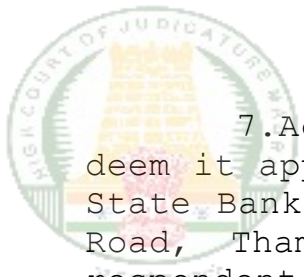


3. The petitioner, claiming to be belonging to Kondareddy Community and employed in the State Bank of India, has filed this Writ Petition challenging the communication sent by the first respondent-Sub Collector, Cheranmahadevi to the second respondent-Assistant General Manager (HR), State Bank of India, Thiruvananthapuram, dated 22.05.2015.

4. It appears that the petitioner's employer, namely, State Bank of India, had addressed the second respondent vide letter, dated 19.03.2015. However, the contents of the said letter is not known and presumably pertaining to the genuineness of the Community Certificate issued in favour of the petitioner. The first respondent has informed the Bank that on perusal of the records pertaining to the issuance of Scheduled Tribe Community Certificate for the year 1982, it is found that the said Community Certificate issued to the petitioner was not issued from the office of the first respondent and it is not a genuine one. The petitioner has challenged the impugned order on several grounds and in particular by referring to the decision of the Honourable Supreme Court in the case of **Kumari Madhuri Patil Vs. Additional Commissioner** reported in **AIR 1995 SC 1994**. Further, it is submitted that the first respondent is in a mechanical manner has come to a final conclusion that the Community Certificate issued to the petitioner is not genuine and the petitioner had no opportunity to place his contentions before the first respondent. Further, it is contended that the genuinity or otherwise of the Community Certificate has to be decided only by the State Level Caste Scrutiny Committee constituted by the Government vide G.O(2-D)No.108, Adi-Dravidar and Tribal Welfare Department, dated 12.09.2007.

5. The learned Special Government Pleader appearing for the first respondent would submit that the first respondent has sent the impugned communication to the second respondent/Bank, based on records.

6. After hearing the learned counsel for the parties, we are of the view that the first respondent was not justified in addressing the petitioner's employer with regard to the genuinity of the petitioner's Community Certificate, without notice to the petitioner. Apart from that, the petitioner's employer cannot be solely guided by the communication of the first respondent, dated 22.05.2015 as in terms of the Government Order referred above the appropriate authority to finally scrutinize the genuineness of the Community Certificate or otherwise, is the State Level Caste Scrutiny Committee constituted by the State Government. Therefore, we are of the view that the matter should be referred to the said Committee for verifying the genuineness of the petitioner's



7. Accordingly, in order to issue a effective direction, we deem it appropriate to implead the Assistant General Manager (HR), State Bank of India, H.R Department, Local Head Office, S.S.Kovil Road, Thampanoor, Thiruvananthapuram - 695 001 as the second respondent in the Writ Petition.

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8. The petitioner's employer, namely the second respondent Bank, is directed to forward the petitioner's Community Certificate to the State Level Caste Scrutiny Committee, Rep. By the Secretary to Government, Adi-Dravidar and Tribal Welfare Department, St. Fort George, Chennai-600 009, within a period of three weeks from the date of receipt of a copy of this order and the said Committee shall consider the genuineness of the petitioner's Community Certificate by following the principles laid down by the Honourable Supreme Court in the case of **Kumari Madhuri Patil Vs. Additional Commissioner** reported in **AIR 1995 SC 1994** and the various Government Orders and take a final decision in the matter with due compliance of the principles of natural justice. The said Committee shall complete the verification of the genuineness of the Community Certificate within a period of four months from the date on which the Community Certificate is received from the petitioner's employer/second respondent-Bank.

9. It is submitted that the petitioner has been working in the second respondent-Bank for nearly 32 years.

10. Considering the said fact, the services of the petitioner shall not be dispensed with by his employer Bank based on the impugned communication, dated 22.05.2015.

11. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

2. The Assistant General Manager (HR),
State Bank of India,
H.R Department,
Local Head Office,
S.S.Kovil Road,

<https://hcservices.ecourts.gov.in/hcservices/>

Thiruvananthapuram - 695 001.



3. The Secretary to Government,
Adi Dravida and Tribal Welfare Department,
The State level Caste Scrutiny Committee,
St. Fort George,
Chennai.

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+1 cc to MR.Yogesh Kannadasan ADVOCATE, SR No.14999
+1 cc to Special Government Pleader, SR No.15092

ORDER MADE IN
W.P (MD) No.2016 of 2017
and
W.M.P (MD) No.1660 of 2017
15.03.2017

ps

MKV-SV-MMS/22.3.2017/4P-6C