

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2018

THE HONOURABLE MR. JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR. JUSTICE T.RAVINDRAN

W.P. No. 3023 of 2018

G.Ayyanar

.. Petitioner

Versus

- 1.State of Tamil Nadu represented by its
Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-4(1) Department,
Secretariat,
Chennai-600 009.
 - 2.State Level Caste Scrutiny Committee,
Represented by its Chairman and Secretary to
Government,
Adi Dravidar and Tribal Welfare (CV-4(1) Department,
Secretariat,
Chennai-600 009.
 - 3.The Director of Tribal Welfare,
Chepauk,
Chennai-600 005.
- .. Respondents

Prayer : Petition filed under Article 226 of The Constitution of India praying for issuing a Writ of Mandamus directing the respondents to proceed with the enquiry and pass orders regarding verification of Kattunayakan (ST) community certificate of the petitioner.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.S.N.Parthasarathy,
Government Advocate

ORDER

[Order of the Court was made by R.SUBBIAH, J.]

The present writ petition has been filed for a Mandamus, directing the respondents to proceed with the enquiry and pass orders regarding verification of Kattunayakkan (ST) Community Certificate of the petitioner.

2. In the affidavit filed in support of this writ petition, it has been stated that the petitioner, who belonged to Kattunayakkan (ST) Community, which is notified as a Scheduled Tribe Community, had obtained the Community Certificate from the Tahsildar, Villupuram in the year 1979 and the said Certificate was detained by ITI, Tiruvannamalai for record purposes. Thereafter, on 4.5.1983, the petitioner had obtained another Certificate from the Tahsildar, Harur. Again the petitioner had obtained another Community Certificate from the Tahsildar, Villupuram on 6.5.1989 for his employment purposes. Based on the said Community Certificate, he had joined as Track Man in the Southern Railway and had also retired from service on 31.1.2016.

3. In fact, the petitioner's Community Certificate was referred by his employer, namely, the Southern Railway, to the District Level Vigilance Committee in the year 2002 for verification. On completion of the enquiry, the District Level Vigilance Committee, by its order dated 26.11.2002, has cancelled the petitioner's Community Certificate, stating that the petitioner does not belong to Kattunayakkan Community, against which the petitioner approached this Court by way of a writ petition in WP No.46527 of 2002. This Court, by order dated 02.09.2003, set aside the orders of the District Level Vigilance Committee and remitted the matter back to the appropriate Valid Committee for verification of the communal status of the petitioner. In such a situation, Government has passed G.O.(2D) No.108, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 12.9.2007, stating that the State Level Scrutiny Committee alone had the power to enquire into the genuineness of the Scheduled Tribe candidate. Hence, the petitioner once again approached this Court by way of a writ petition in WP No.28662 of 2014 for a direction to complete the enquiry at the earliest. Therefore, this Court passed an order, directing the District Level Vigilance Committee to forward the entire papers to the State Level Scrutiny Committee for conducting proper enquiry within a specified period. Accordingly, the petitioner appeared before the Vigilance Cell and a full-fledged enquiry was conducted by the Vigilance Cell Officer. Till date, respondents have not passed any order. Hence, with no other alternative remedy except to invoke the jurisdiction of this Court under Article 226 of the Constitution of India, the petitioner is before this Court.

4. When the matter is taken up for consideration, this Court heard Mr.S.Doraisamy, learned counsel appearing for the petitioner as well as Mr.S.N.Parthasarathy, learned Government Advocate for the respondents.

5. Since the issue involved in this writ petition is very

limited, without going into the merits of the matter, this Court directs the State Level Scrutiny Committee to pass order with regard to the verification of the Community Certificate of the petitioner, within a period of eight weeks, preferably on or before 31.3.2018.

6. Accordingly, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

svn

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare (CV-4(1) Department,
Secretariat,
Chennai-600 009.
- 2.The Chairman and Secretary to Government,
State Level Caste Scrutiny Committee,
Adi Dravidar and Tribal Welfare (CV-4(1) Department,
Secretariat,
Chennai-600 009.
- 3.The Director of Tribal Welfare,
Chepauk,
Chennai-600 005.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.10671

WP No. 3023 of 2018

MR (CO)
RRK (14/02/2018)

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