

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2018

CORAM
THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.19669 of 2009
& M.P.No.1 of 2009

S.Dinakaran

.. Petitioner

Vs.

- 1.State of Tamil Nadu, rep., by its
Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-600 009.
- 2.Life Insurance Corporation of India,
Rep., by the Senior Divisional Manager,
Divisional Office, Vellore District, Vellore.
- 3.State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-9.
(R3 impleaded as per order dt.28.3.2018 by
RPSJ & PDAJ in WMP.8699/2018
in W.P.No.19669/2009)

.... Respondents

Writ petition filed under Article 226 of the Constitution of India seeking to issue a writ of certiorari to call for the records in Proceedings No.19815/CV-II/2009 dated 08.09.2009 on the file of the first respondent and quash the same.

For Petitioner : Mrs.Srividhya Aravindhan,

For Respondents : Mr.Thangavadhana Balakrishnan,
Addl. Government pleader for R1

Mr.M.Vaidyanathan for R2

ORDER

(Order of the Court was made by M.M.SUNDRESH,J.)

This writ petition has been filed challenging the order of the State Level Scrutiny Committee, by which, the petitioner's community certificate given as 'Konda Reddy Community' was cancelled.

2. It appears that on an earlier occasion, the District Level Vigilance Committee gave a detailed finding against the petitioner. It was put into challenge before this Court in W.P.No.16828 of 1999. This Court, by an order dated 06.07.2005, having found that the District Level Vigilance Committee, which consists of two members, did not have an authority to pass such an order, has quashed the same. The petitioner once again approached this Court by way of writ petition in W.P.No.17004 of 2007, in which, by an order dated 19.11.2008, the petitioner was directed to approach the State Level Scrutiny Committee for its consideration. Before the State Level Scrutiny Committee, the petitioner produced five documents, which include xerox copy of sale deed, community certificate issued by the Tahsildar, Transfer certificate issued by the College, by placing reliance upon the community certificate issued on 02.07.1981 by the Head Quarters Deputy Tahsildar, Gudiyatham, the xerox copy of the Genealogy Report and the statement of the Village President. The State Level Scrutiny Committee examined each one of these documents. It considered the Secondary School Leaving Certificate of the petitioner, in which, the community of the petitioner was merely mentioned as "Reddy" alone. The certificate issued by the Head Quarters Deputy Tahsildar, Gudiyatham, on 02.07.1981 was found to be wrong and based on the misrepresentation. It was done after perusing the records of the Collectorate. The said community certificate was issued to the petitioner based on the aforesaid document. It was also found that the sale deed relied upon was not a registered document. A finding has been given that forward community used the name only 'Reddy' and not 'Konda Reddy'. Accordingly, the case of the petitioner was rejected. This was done after giving sufficient opportunities and taking note of the long request made by the petitioner for an adjournment.

3. Learned counsel for the petitioner submitted that the Report of the Anthropologist was not sought for. The evidence given before the District Level Vigilance Committee was relied on. There is no spot level inspection. The sale deed has not been considered properly. Therefore, it is a fit case for interference.

4. We have perused the decision of the State Level Scrutiny Committee. The petitioner was given sufficient opportunities to produce the relevant records. There is no report of Anthropologist, which is mandated. After all, it is a piece of evidence to be appreciated. The documents produced by the petitioner were considered as discussed above. It is not, as if, the State Level Scrutiny Committee merely relied upon the Report of the District Level Vigilance Committee. In fact, it has considered the materials independently and came to its conclusion.

5. The learned counsel for the petitioner has submitted that some of the relatives were given Community certificate by the Tahsildar concerned. We are not inclined to take into consideration of the same. What is the present position of the certificates issued to his relatives and under what circumstances is not known and in any case, we are concerned with the decision of the State Level Scrutiny Committee. We also do not know as to whether the aforesaid cases were scrutinised by the State Level Scrutiny Committee or not. It is suffice to state that the order has been passed after taking note of the relevant materials and after giving sufficient opportunity to the petitioner. Therefore, we do not find any error in the order passed by the Tamil Nadu State Level Scrutiny Committee and the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

raa

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-600 009.
- 2.The Chairman, State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-9.

+2ccs to Mr.M.Aravindan, Advocate, S.R.No.77849
+1cc to Mr.M.Vaidhiyanathan, Advocate, S.R.No.77591
+1cc to the Government Pleader, S.R.No.78316

rrs 29/11/2018

W.P.No.19669 of 2009

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