

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Writ Petition No.22260 of 2018
and
WMP Nos.26082 & 26083 of 2018

N. Jayanthi

Petitioner

Vs

1. Tamil Nadu State Level Scrutiny Committee
Rep by its
Chairman cum Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai - 600 009.
2. The Director of Tribal Welfare
Chepauk, Chennai - 600 005.
3. The Deputy Superintendent of Police
Social Justice & Human Rights Unit
Old District Police Office
Court Road, Thanjavur
4. The Registrar
Delhi Technological University
Sahabhad Daultapur
Delhi - 110 042

Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari Mandamus, calling for the records relating to the enquiry notice dated 04.08.2014 on the file of the 1st respondent and the consequential notice in proceedings in C.No.120/SJHR TAN/2017 dated 31.03.2018 on the file of the 3rd respondent quash the same.

For Petitioner : Mr.S. Doraisamy

For Respondents : R1 to R3 - Mr. K. Rajendra Prasad
(Additional Government Pleader)
R4 - No appearance

O R D E R

(Order of the court was made by R. Pongiappan, J.)

Heard Mr.S. Doraisamy, learned counsel for the petitioner, Mr.K.Rajendra Prasad, learned Government Advocate appearing for the respondents 1 to 3.

2. The petitioner in this writ petition challenges the proceedings of the 1st respondent addressed to the Director of Tribal Welfare and to the 3rd respondent with regard to the verification of the genuineness of the Kattunayakkan community certificate issued to the petitioner. It would not be necessary for this court to go into the facts of the case in depth on account of certain development.

3. On a perusal of community certificate issued to the petitioner dated 10.09.1991, it is seen that the certificate was issued to the petitioner, based on the certificate issued to her father as per the Proceedings of the State Level Scrutiny Committee No. 8849/ADW5 (2)/2013-5. Therefore, if the petitioner's father's certificate remains valid, then, it has to be declared that obviously the petitioner's certificate is also valid and she belongs to Hindu Kattunayakkan community. The certificate issued to the petitioner's father was subjected to scrutiny and the State Level Scrutiny committee passed an order dated 11.07.2014.

4. Based on the Community Certificate issued to the petitioner dated 10.09.1991, she has secured an employment as a Lecturer under ST category in Delhi Technological University, Delhi on 02.07.2010. While so, once again the respondent appears to have commenced the verification process and the petitioner's community certificate was subjected to verification process. So far as the proceedings initiated against the petitioner's father's community certificate, who is employed in BSNL, the state level Scrutiny committee verified the same and confirmed the genuineness vide proceedings dated 11.07.2014.

5. In the light of the said letter dated 11.07.2014, no further verification is required, since the petitioner's community certificate, which is pointed out earlier, was issued based upon her father's certificate. Thus, for the above reasons, this writ petition is allowed and the impugned proceedings are quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vrn

To

1. Tamil Nadu State Level Scrutiny Committee
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Delhi Technological University
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+lcc to Mr.S.Doraisamy, Advocate, S.R.No.72050

+lcc to the Government Pleader, S.R.No.73044

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VBA (Co)
CS/07/12/2018