

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 11.09.2018

CORAM

THE HON'BLE MR.JUSTICE R.SUBBIAH

and

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

W.P.No.13750 of 2018

and

W.M.P.No.16220 of 2018

J.Lakshmanan

... Petitioner

Vs.

- 1.State of Tamil Nadu
rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare [CV-4(1)] Department,
Secretariat, Chennai-600 009.
- 2.State Level Caste Scrutiny Committee,
rep. 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.
- 4.The Deputy Superintendent of Police,
Social Justice & Human Rights and
SC-ST Vigilance Cell,
Campus of the Superintendent of Police,
Sathuvachari, Vellore District.
- 5.The Chairman, Chennai Port Trust,
Chennai.

... Respondents

(R5 was suo motu impleaded as per order
of this Court dt 27.07.2018)

Writ Petition has been filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records relating to the Enquiry Notice in Na.Ka.No.135/DSP/SJ&HR/SCSTVC/ VLR/2018, dated ... 05.2018 on the file of the 4th respondent and consequential Notice Na.Ka.No.135/DSP/SJ&HR/SCSTVC/VLR/2018, dated 28.05.2018 on the file of the 4th respondent and to quash the same.

For Petitioner : Mr.S.Doraisamy

For Respondents : Mr.K.Rajendra Prasad,
AGP (For R1 to R4)

Mr.R.Karthikeyan (For R5)

* * * * *

ORDER

(Order of the Court was delivered by R.SUBBIAH, J.,)

This writ petition has been filed by the petitioner praying for issuance of a writ of Certiorari calling for the records relating to the Enquiry Notice in Na.Ka.No.135/DSP/SJ&HR/SCSTVC/VLR/2018, and consequential Notice Na.Ka.No.135/DSP/SJ&HR/SCSTVC/VLR/2018, dated 28.05.2018 on the file of the 4th respondent and to quash the same.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner that the petitioner belongs to Hindu Kattunayakan Community, which is classified as Schedule Tribe community. He studied upto S.S.L.C and he obtained community certificate from the Tahsildar, Gudiyatham on 28.10.1979. Again on 02.12.1987, he obtained another community certificate in the format from the Tahsildar, Purawawalkam, Perambur, Chennai, stating that he belongs to Hindu Kattunayakan Community. On the basis of the said community certificate, he joined the job in the Chennai Port Trust (5th respondent) and he is working as Senior Office Attender, EDP Section. In fact, the petitioner's community certificate was sent for verification to the Vellore District Level Vigilance Committee by the 5th respondent and three member committee, which is a competent committee, after verification and enquiry, on 17.01.2006, confirmed the petitioner's social status in their proceedings in Na.Ka.K.5/26297/2003 stating that he belongs to Kattunayakan community and his community certificate is genuine one. While so, by the impugned orders/notices, again his certificate is sent for verification and enquiry. Aggrieved over the same, the present writ petition has been filed by the petitioner.

3.The 5th respondent has also filed a counter stating that approval of the Chairman has already been obtained on 14.03.2006 and no further enquiry is necessary. The relevant portion in the counter filed by the 5th respondent reads as follows_

"5.In view of the above, as the approval of the Chairman has already been obtained on 14.03.2006 that no further enquiry is considered necessary and the case may be closed and accordingly a letter was addressed

to the 2nd respondent herein by letter No.SCT2/3636/2013/GA, dated 23.07.2018 requesting the 2nd respondent to drop the verification of Community Certificate of the petitioner herein."

4.Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned counsel for the 5th respondent.

5.As contended by the learned counsel for the petitioner, earlier in the year 2006, the petitioner's community certificate was sent to the Vellore District Level Vigilance Committee by his employer and the Three Member Committee, which is a competent committee at the relevant point of time, after verification and enquiry has confirmed the social status of the petitioner as Hindu Kattunayakan Community and his community certificate is genuine one. Under such circumstances, absolutely there is no need to send the petitioner's community certificate again for verification. Further, the 5th respondent has already sent a letter to the 2nd respondent to drop the verification of community certificate of the petitioner, since his community certificate was already verified by the competent committee in the year 2006 at the insistence of the 5th respondent. Hence, the impugned orders/notices are liable to be set aside.

6.Accordingly, the writ petition is allowed and the impugned orders/notices are quashed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS IX)

//True Copy//

Sub Assistant Registrar

ssv

To,

1.Secretary to Government,
State of Tamil Nadu
Adi Dravidar and Tribal Welfare [CV-4(1)] Department,
Secretariat, Chennai-600 009.

2.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.

4.The Deputy Superintendent of Police,
Social Justice & Human Rights and
SC-ST Vigilance Cell,
Campus of the Superintendent of Police,
Sathuvachari, Vellore District.

5.The Chairman, Chennai Port Trust,
Chennai.

+lcc to Mr.S.Doraisamy, Advocate, S.R.No.63104

+lcc to the Government Pleader, S.R.No.63836

W.P.No.13750 of 2018
and
W.M.P.No.16220 of 2018

EV(CO)

rrs 05/10/2018



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