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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2018

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVU

W.P.No.2596 of 2018
and
W.M.P.No.3214 of 2018

R.Mangayarkarasi

... Petitioner

versus

1. The Sub-Collector,
Tirupattur,
Vellore District.
2. The District Level Vigilance Committee,
Vellore District,
rep. by its Chairman cum District Collector,
Vellore.

(R2 impleaded as per order dt.26.03.2018
made in WMP.No.8485/2018 by RPSJ & PDAJ) ...Respondents

For Petitioner : Mr.S.Doraisamy

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

O R D E R

(The Judgment of the Court was delivered by R.Subbiah,J.)

This writ petition has been filed challenging the order of the first respondent dated 17.01.2018, wherein and whereby, the community certificate of the petitioner has been cancelled.



2. It is the case of the petitioner that her father belongs to Vanniar community and her mother belongs to Thuluva Vellalar community. After marriage, the petitioner's mother adopted her father's community and she was brought up with the customs of Vanniar community. She was also issued with a community certificate on 21.08.2001. At the time of issuance of community certificate, Thulu Vellalar and Vanniar community were in the list of Backward Class community. In the year 1989, Vanniyar community was included in the list of Most Backward Class community. The petitioner passed Diploma in Teacher Education in January, 2004 and B.Litt(Tamil) in 2007. She was appointed as a Secondary Grade Teacher in the year, 2009. Subsequently, she has also passed B.Ed. course and in May, 2015, she obtained B.Sc., (Maths) Degree and presently, she is working as a Secondary Grade Teacher in Panchayat Union Middle School, Narasingapuram, Vellore District. While so, a notice dated 06.06.2017 was issued calling upon the petitioner for an enquiry to be held on 19.06.2017, based on a complaint made by one Tmt.Usharani stating that the petitioner obtained community certificate falsely. The petitioner also appeared for enquiry on 17.07.2017 and produced all the required documents to prove that she belongs to Vanniar community. In spite of the same, the first respondent passed the impugned order dated 17.01.2018 stating that the petitioner belongs to Thuluva Vellalar community and cancelled her community certificate. Aggrieved against the same, the present writ petition has been filed.

3. Today, when the matter is taken up for consideration, the only submission made by the learned counsel for the petitioner is that the impugned order was passed by the first respondent, viz., the Sub Collector, who is not a competent authority to cancel the community certificate and therefore, on that ground, the impugned order is liable to be set aside.

4. Learned Government Advocate appearing for the respondents has also accepted the said submission made by the learned counsel for the petitioner and submitted that the competent authority to cancel the community certificate is only the second respondent.

5. Considering the facts and circumstances of the case and the submissions made on either side, we are of the opinion that since the impugned order was passed by an incompetent authority, the impugned order is liable to be set aside. Accordingly, the impugned order is set aside. Consequently, the matter is remitted back to the second respondent and the second respondent is directed to conduct an enquiry and pass appropriate orders on merits and in accordance with law on or before 31.05.2018, after affording an opportunity of personal hearing to the petitioner. It is made clear that this Court is not expressing any view on the merits of the claim made by the



petitioner, as it is for the second respondent to consider and decide. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

vsi

To

1. The Sub-Collector,
Tirupattur, Vellore District.

2. The Chairman cum District Collector,
District Level Vigilance Committee, Vellore.

+lcc to Government Pleader in sr.no.25974

W.P.No.2596 of 2018

nm(co)

nr 03/05/2018