



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.5428 of 2018

and

W.M.P.(MD) No.5361 of 2018

V.Jegannathan

... Petitioner

-vs-

The Deputy Superintendent of Police,
SC/ST Vigilance Officer,
Social Justice and Human Rights Section,
District Police Office,
Karur.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned summon issued by the respondent in Letter No.73/DSP/SC/ST Vigilance Cell/KRR/2017 dated 28.02.2018 and quash the same as illegal, arbitrary.

For Petitioner : Mr.D.Selvanayagam

For Respondent : Mr.V.R.Shanmuganathan, Spl.G.P.

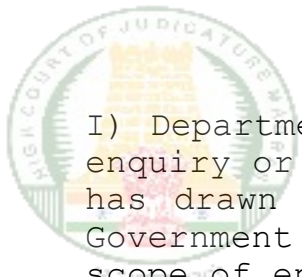
O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.D.Selvanayagam, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondent.

2.The petitioner is aggrieved by a proceedings issued by the Deputy Superintendent of Police, SC/ST Vigilance Cell Officer, wherein the petitioner has been directed to appear before him on 14.03.2018 at 10.00 a.m. and in the impugned communication, the respondent has called for 10 documents/details.

3.The learned counsel for the petitioner submitted that the impugned communication, which calls for details and documents is without jurisdiction as the scope of enquiry as conferred on the respondent vide G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CV



I) Department dated 15.10.2012 does not give power to make a rowing enquiry or to render a finding. In this regard, the learned counsel has drawn the attention of this Court to para 10(iii) of the said Government order and addressed his submission with regard to the scope of enquiry by the respondent.

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4.It may be true that in terms of said condition, the respondent being an Officer of the Vigilance Cell attached to the State Level Scrutiny Committee is required to personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian as the case may be. He should examine the school records, birth registration, if any and examine the parent, guardian or the candidate in relation to their caste, etc. or such other persons who have knowledge of the social status of the candidate and submit a report to the State Level Scrutiny Committee.

5.Though we find that some of the queries sought for in the impugned communication are with an object of preparing a report, however the petitioner has certain reservations in parting with the documents before the respondent at the stage of enquiry. In any event, the petitioner being the applicant/candidate, who has claimed social status certificate as a member belonging to Sholagar, Scheduled Tribe community, has to co-operate in the enquiry conducted by the respondent. It is no doubt true that the respondent cannot decide the communal status of the petitioner and that power is conferred only with the State Level Scrutiny Committee. However, if the petitioner fails to co-operate in the enquiry of the respondent, it may cause prejudice to the petitioner, as the Government order states that the respondent should collect all the facts of the social status, which is claimed by the candidate. Therefore, if the school records and birth registration are available with the petitioner, he can very well produced it before the respondent, so that the report submitted by the respondent will be a comprehensive report.

6.In the light of the above, we are not inclined to interfere with the impugned communication, but would direct the respondent to confine himself to the scope of enquiry as stipulated para 10(iii) of G.O.Ms.No.106 dated 15.10.2012 and complete the enquiry and submit a report to the State Level Vigilance Committee, within a period of 4 weeks from the date of receipt of a copy of this order.

7.The learned counsel for the petitioner submitted that a request has been made to the respondent to supply the copy of the Government Letter No.3122/CV-4(2)2013-3 dated 22.02.2017 and the communication dated 01.08.2017. The learned Special Government Pleader has handed over the copy of Government letter dated 22.07.2017 to the learned counsel for the petitioner. Insofar as the letter dated 01.08.2017, it is only an internal communication forwarding the government letter to the respondent.



8. This writ petition is disposed of with the above direction.
No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

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/True copy/

Sub Assistant Registrar

To

The Deputy Superintendent of Police,
SC/ST Vigilance Officer,
Social Justice and Human Rights Section,
District Police Office,
Karur.

+1CC TO M/S.D.SELVANAYAGAM, ADVOCATE, SR NO.55195

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.55646

W.P. (MD) No.5428 of 2018

and

W.M.P. (MD) No.5361 of 2018

14.03.2018

Arul

MS/SKN-RSK/SAR-1/23.03.2018/3P.4C