



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 12.02.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.10680 of 2017

and

W.M.P. (MD) .No.8152 of 2017

S.Rathinachalam

... Petitioner

Vs.

1. The Principal Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai.
2. Tamil Nadu State Level Caste Scrutiny Committee
Rep. By its Chairman,
Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai.
3. The Director
Tribal Welfare,
Chennai-600 005.
4. The Deputy Superintendent of Police
SC/ST Vigilance Cell
Madurai Region,
District Adi Dravidar and Tribal Welfare Officer,
Collectorate, Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the letter No.19181/CV.III/2015 dated 05.05.2017 on the file of the 1st respondent and quash the same.

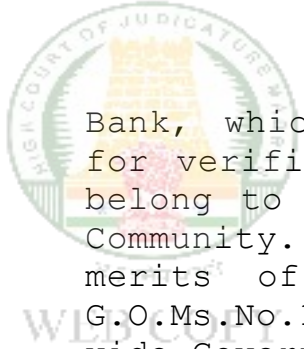
For Petitioner : Mr.S.Doraisamy
For R1 to R4 : Mr.VR. Shanmuganathan
Spl. Government Pleader

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.S.Duraisamy, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2.The petitioner is aggrieved by the impugned communication dated 05.05.2017 sent by the first respondent to the respondents 3 and 4, to cause enquiry as to the genuineness of the petitioner's community certificate. The petitioner is an employee of Canara



Bank, which has referred the petitioner's community certificate for verification of its genuineness as the petitioner claimed to belong to Sholaga Community, which is a notified Scheduled Tribe Community. The petitioner has not approached this Court, on the merits of the matter, but on a technicality, by referring G.O.Ms.No.106, dated 15.10.2012 as well as the amendment issued vide Government Letter, dated 11.12.2012.

3.The petitioner's case is that the first respondent cannot take a decision on the genuineness of the Community Certificate as it is the State Level Scrutiny Committee which is empowered to verify the genuineness of the scheduled Tribe and Scheduled Caste Community Certificate and that the decision to refer the matter for enquiry to the fourth respondent should be the decision of the Committee and not in the individual capacity as Principle Secretary to Government, Adi Dravidar and Tribal Welfare Department. The impugned communication indicates that the Assistant General Manager, Canara bank, Coimbatore, by letter, dated 03.11.2015, has requested the State Level Scrutiny Committee to cause enquiry and to ascertain the genuineness of the Community claim of the petitioner and to report at an early date. In terms of the procedure stipulated under G.O.Ms.No.106, as and when an application from the employer/recruiting agency is received for verification of the genuineness of the Community Certificate of an individual, the District Level Vigilance Committee/State Level Scrutiny Committee shall call the individual for an enquiry along with the original documents to substantiate his claim as required by the Committee for passing necessary orders. In case of doubtful cases, the Committee shall refer the cases to the respective Vigilance Cell, for verification of the community status of the individual.

4.The manner in which, the impugned communication has been passed shows that the procedure contemplated in the said Government has not been adhered to. Therefore, the petitioner to that extent is justified in challenging the communication. Thus for the above reason alone, the writ petition is allowed and the impugned communication dated 05.05.2017, is set aside and the State Level Scrutiny Committee is directed to take note of the request made by the Assistant General Manager, Canara Bank, Coimbatore vide letter, dated 03.11.2015 and follow the procedure in VX(2i) of G.O.Ms.No.106, Adi Dravidar and Tribal Welfare Department, dated 15.10.2012 and proceed in terms of the directions contained therein. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CO)



To

1. The Principal Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai.
2. The Chairman,
Tamil Nadu State Level Caste Scrutiny Committee,
Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai- 600 009
3. The Director
Tribal Welfare,
Chennai- 600 005
4. The Deputy Superintendent of Police
SC/ST Vigilance Cell
Madurai Region,
District Adi Dravidar and Tribal Welfare Officer,
Collectorate, Madurai.

+1cc to Mr.S.Doraisamy, Advocate Sr.No.48516

+1cc to Spl.Government Pleader Sr.No.48304

NS

VB/KKR/SAR4/19/03/2018/3P/7C

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and
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