

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2019

CORAM:

The Honourable Mr. Justice M.M.SUNDRESH
and
The Honourable Mr. Justice RMT.TEEKAA RAMAN

Writ Petition No.1974 of 2019

Adaikalasamy Aided Primary School,
rep. By its Secretary Thiru. A.Henry,
Vishwanathapuram,
Tiruvudaimaruthoor,
Tanjore District. Petitioner

vs.

1. The Commissioner,
Adi-Dravida Welfare Department,
Chennai - 5.
2. The District Collector and Chairman,
District Vigilance Committee,
O/o. District Collector,
Thiruvarur District.
3. The Tahsildar,
Thiruvarur Taluk,
Thiruvarur.
4. The District Welfare Officer,
Adi-Dravida and Tribal Welfare Department,
Tiruvarur.
5. M.Senthil Kumar ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the 2nd Respondent in Na.Ka.No.32450/2002/K5, dated 21.12.2016, signed on 24.12.2016 and quash the same and consequently direct the Respondents to conduct de novo enquiry concerning the genuineness of the 5th Respondent's Community Certificate.

For Petitioner : Mr.S.N.Ravichandran

For Respondent 1 to 4 : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

[Order of the court was made by M.M.SUNDRESH,J.]

The Petitioner, who is the employer of the 5th Respondent has come forward to challenge the proceedings of the 2nd Respondent in Na.Ka.No.32450/2002/K5, dated 22.12.2016, by which, it was held that the Community Certificate produced by the 5th Respondent is true, in pursuance of the re-conversion which took place during the practice adopted by following Hinduism.

2. Learned counsel for the Petitioner submitted the impugned order has been passed by the 2nd Respondent on the premise that a Gazette Notification has been obtained, declaring the status of the 5th Respondent as a Hindu - Scheduled Caste, as against Christianity. Therefore, he contended that the impugned order will have to be set aside.

3. Learned Government Advocate appearing for Respondents 1 to 4 submitted that it is not, as if based on the Gazette Notification, the impugned order has been passed. Way back, as early as on 06.02.1997, the Tahsildar, Tiruvarur has issued Community Certificate to the 5th Respondent after due verification. Thereafter, the Scheduled Caste/Scheduled Tribe Vigilance Cell conducted an enquiry and submitted a Report on 25.08.2014. Thus, based on the aforesaid materials, the 2nd Respondent has come to the conclusion that the 5th Respondent belongs to Hindu - Scheduled Caste Community. According to him, there is no need for any documentary evidence as against the practice followed and there is no need to interfere with the impugned order.

4. In view of the above, we are not inclined to interfere with the impugned order passed by the 2nd Respondent. In the decision making process, this Court cannot act as an Appellate Authority to review the materials taken into consideration by the 2nd Respondent. It is not, as if the 2nd Respondent had, as such, acted only on the Gazette Notification. Materials have been taken into consideration including the Report of the Scheduled Caste and Scheduled Tribe Vigilance Cell. After all, Petitioner is only the employer of the Respondent No.5.

5. In such view of the matter, we do not find any error in the impugned order passed by the 2nd Respondent, warranting interference by this Court. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected W.M.P.No.2217 of 2019 is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Commissioner,
Adi-Dravida Welfare Department,
Chennai - 5.
2. The District Collector and Chairman,
District Vigilance Committee,
O/o. District Collector,
Thiruvavur District.
3. The Tahsildar,
Thiruvavur Taluk,
Thiruvavur.
4. The District Welfare Officer,
Adi-Dravida and Tribal Welfare Department,
Tiruvavur.

+1cc to Mr.S.N.Ravichandran, Advocate SR.79767
+1cc to the Government Pleader SR.80183

W.P.No.1974 of 2019

BS(CO)
CB(06/11/2019)

सत्यमेव जयते

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