

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mrs. Justice R.HEMALATHA

W.P.No.27931 of 2004
and W.P.M.P. No.33953 of 2004

Aranganathan

..Petitioner

Vs

1.The Under Secretary to Government
Department of Personnel and
Administrative Reforms,
(Personnel Wing)
Pondicherry - 605 001.

2.The Thasildar
Bahour Taluk,
Pondicherry.

3.The Superintending Engineer I
Electricity Department,
Pondicherry.

4.The Executive Engineer,
Bahour Auto Sub-Station,
Electricity Department,
Bahour, Pondicherry.

..Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 2nd respondent's impugned order in No.001/TOB/caste/2004 dated 10.9.2004 and 4th respondent impugned order in No.2465/ED/EE.BASS/F.2/04-05 dated 22.9.2004 quash the same.

For Petitioner .. Mr.J.Saravana Vel
For Respondents.. Mr.Stalin Abimanu,
Govt. Advocate (Pondy)

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The petitioner claims to be belonging to the member of Scheduled Caste community. He also obtained certificate to that effect. However, the second respondent conducted enquiry by himself and cancelled the community certificate without even

affording opportunity to the petitioner. Challenging the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submitted that the impugned order of the second respondent is without jurisdiction. It is the State Level Committee which is competent to go into the issue on the verification of the status of the petitioner as to whether he belongs to Scheduled Caste community or not. The petitioner was also not given opportunity to put forth his case. Therefore, the impugned order will have to be set aside.

3. The learned Government Advocate appearing for the respondents submitted that though the third respondent accepted the order passed by the second respondent, consequently action could not be taken since interim order has been obtained by the petitioner. However, the petitioner has also reached the age of superannuation, in view of the long pendency of the writ petition.

4. Heard the learned counsel appearing for the petitioner as well as learned Government Advocate appearing for the respondents.

5. On a perusal of the impugned order, we find that the same has been passed by the second respondent who does not have the jurisdiction to do so. We have also been informed that the impugned order has been acted upon by the employer, namely the fourth respondent.

6. Admittedly, the issue is with respect to verification of community certificate of the petitioner who claims to be belonging to Scheduled Caste community. As per the judgment of the Hon'ble Apex Court, such an exercise will have to be done only by the State Level Committee. In such view of the matter, the impugned order is set aside, which has been passed without giving adequate opportunity to the petitioner. The second respondent shall forward all the records to "The Director, Adi Dravidar Welfare Department, Pondicherry (State Level Committee)", within a period of four (4) weeks from the date of receipt of copy of this order.

7. The The Director, Adi Dravidar Welfare Department, (State Level Committee), Pondicherry is directed to issue fresh notice to the petitioner and thereafter decide the issue with respect to the status of the community to which the petitioner belongs to. The above said exercise will have to be done by the State Level Committee, Pondicherry, within a period of four (4) months from the date of receipt of the records from the second respondent.

8. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

9. Registry is directed to forward copy of this order to
"The Director, Adi Dravidar Welfare Department, Pondicherry.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1.The Under Secretary to Government
Department of Personnel and
Administrative Reforms,
(Personnel Wing)
Pondicherry - 605 001.

2.The Thasildar
Bahour Taluk,
Pondicherry.

3.The Superintending Engineer I
Electricity Department,
Pondicherry.

4.The Executive Engineer,
Bahour Auto Sub-Station,
Electricity Department,
Bahour, Pondicherry.

5.The Director,
Adi Dravidar Welfare Department, (State Level Committee)
Pondicherry.

+1 CC to Public Prosecutor(Puducherry) sr 87954.

+1 CC to Mr.M. Gnanasekar, Advocate sr 87942.

WEB COPY

W.P.No.27931 of 2004

SP(11/11/2019)