

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2019

Coram

The Hon'ble Mr. Justice **M.M. SUNDRESH**  
and  
The Hon'ble Mr. Justice **C.SARAVANAN**

Cont. Petition No.1957 of 2015

The National Chemical Laboratory  
(Counsel for Scientific and  
Industrial Research) rep. by  
its Director, Pashan Road,  
Pune - 411 008. ... Petitioner

vs.

1.S.Ramalingam

2.A.S.Jeevarathinam, I.A.S.,  
The Chairman,  
Tamil Nadu State Level Scrutiny Committee,  
Adi Dravida and Tribal Welfare Department,  
Namakkal Maligai, 3rd Floor,  
Fort St. George, Chennai - 9.

3.L.Subramaniam,  
The Collector of Madurai,  
Madurai District. ... Respondents

Petition filed under Section 11 of Contempt of Courts  
Act to punish the respondents for deliberate and wilful  
disobedience of this Court's order in W.P.No.26004 of 2011  
dated 11.12.2013.

For Petitioner .. Ms.B.Saraswati

For Respondents .. Mr.P.S.Sivashanmugha Sundaram,  
Spl. Govt. Pleader for R2 & R3  
No appearance for R1

**ORDER**

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

Alleging that the order passed by the earlier Division Bench has not been complied with with respect to the consideration of issuance of community certificate by the state level committee the present contempt petition has been filed. in the affidavit filed by the first respondent, the following statement has been made:

"10.The State Level Scrutiny Committee took up this case again on 01.03.2019, 04.03.2019 and carefully examined all the above documents/records produced and the report of the Revenue Divisional Officer, Usilampatti, Deputy Superintendent of Police, SC/ST Vigilance Cell, Madurai Region. From the Revenue Divisional Officer's report it is clear that the certificate possessed by Thiru.S.Ramalingam, S/o.Thiru.S.Sadayandi is a false/fake one. The State Level Scrutiny Committee hereby decided that the "Kondareddis" Scheduled Tribe Community Certificate No.2845700 dated 02.08.1991 issued by the Revenue Divisional Officer, Usilampatti to Thiru.S.Ramalingam, S/o.Thiru.Sadayandi is not "correct" and false.

11.The Committee believes that the people belong to the Scheduled Tribe have been granted certain privileges under the Indian Constitution since they have been oppressed for over a period of decades. The said privileges are meant for their upliftment both socially and economically.

The benefits and privileges given to the Scheduled Tribes are being utilized by other community people by obtaining false Scheduled Tribes Community Certificate and thereby the deserving and genuine Scheduled Tribes are ignored and the same are taken away from them.

12. The guidelines of Supreme Court of India in Kumari Maduri Patil case in JT.1994(5) SC 488 and G.O.(2D) No.108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007 the following guidelines are given:

In case, the certificate obtained or social status claimed found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or the parliament.

As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the concerned educational institution or the appointing authority by registered post with acknowledgment due with a request to cancel the admission or the appointment. The

principal etc. of the educational institution responsible for making the admission or the appointing authority should cancel the admission/appointment without any further notice to the candidate and debar the candidate for further study or continue in office in a post.

13. Accordingly, the State Level Scrutiny Committee hereby directs the District Collector, Madurai to confiscate the "Kondareddis" Community Certificate held by the individual Thiru.S.Ramalingam, S/o.Thiru.Sadayandi and recommends to the District Collector, Madurai to take necessary action as mentioned above and as per the laws and instructions in force.

2. In view of the above, we do not find any wilful disobedience of the order passed by this Court. Accordingly, the contempt petition stands closed.

सत्यमेव जयते SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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