

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2019

CORAM

The Honourable Mr.Justice M.M.SUNDRESH
and

The Honourable Mr.Justice RMT. TEEKAA RAMAN

W.P.Nos.35601 and 38266 of 2001

W.P.No.35601 of 2004

V.Selvaraj

...

Petitioner

... Vs ...

1. Chairman,
Tamil Nadu State Scrutiny
Committee and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai -9.

2. Chennai District Vigilance Committee
represented by its Chair Person, and
Collector of Chennai, Chennai-600 001.

3. Indian Overseas Bank
Rep. by its General Manager (IR)
No.763, Anna Salai,
Chennai- 600 002.

(R3 impleaded as per the order of Court
dated 19.03.2005)

.... Respondents

Prayer:- Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari to
call for the records relating to the order passed by the first
Respondent in Proceedings No.18999/ADW II/2000 dated 27.10.2004,
confirming the order of the second Respondent in P 4 /13908/94
dated 25.05.2000 and quash the same.

W.P.No.38266 of 2004

V.Selvaraj

...

Petitioner

Vs.

General Manager
Indian Overseas Bank
Central Office
P.B.No.3765,
763, Anna Salai
Chennai-600 002.

...

Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari to call for the records pertaining to the order passed by the Respondent in his Proceedings No.IRD/184/237/2004-05 dated 27.11.2004 and quash the same.

For Petitioner : Mr.S.Mani
(in both W.P.'s)
For Respondents: Mr.P.S.Shivashanmugasundaram
(in both W.P.'s) Special Government Pleader
(R1 & R2)
Mr.T.K.Srinivasamoorthy (R3)

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C O M M O N O R D E R

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

Writ Petition in W.P.No.35601 of 2004 has been filed by the petitioner with respect to the order passed by the Appellate Authority dated 27.11.2004 confirming the order of the Original authority by which the Community certificate issued to the petitioner as if he belongs to Scheduled Caste category was cancelled.

2. Writ Petition in W.P.No.38266 of 2004 has been filed by the petitioner challenging the consequential order dated 27.11.2004 passed by the employer of the petitioner terminating the services of the petitioner on the ground that the community certificate produced by the petitioner is not genuine.

3. The learned counsel for the petitioner contended that the petitioner actually born out of the relationship between Tmt.Ramanujammal and Mr.Murugaiah. It is further contended that though the petitioner's mother belonged to the Baliya Naidu community, the said Murugaiah belonged to Scheduled Caste community. Therefore, notwithstanding the fact that all the records in the name of the petitioner right from the school days

show that he belongs to Balijanaidu community, the petitioner actually belongs to Scheduled Caste community and therefore the impugned orders are liable to be set aside and prays to allow these Writ Petitions.

4. The learned counsels for the respondents would submit that there is no factual basis for the above said averment. The entire records belonged to the petitioner would show that his father's name is Mr.M.Venugopal and therefore prays this Court to dismiss these Writ Petitions.

5. Heard the learned counsel for the petitioners as well as the learned counsel appearing for the respondents. Perused the materials on record.

6. Even in the affidavit filed before this Court, the petitioner has stated that his father's name is Mr.Venugopal and therefore, looking at any perspective no case has been made out in favour of the petitioner. The petitioner who does not and cannot dispute the parentage of his mother makes an averment that she had an illegal relationship with Mr. Murugaiah. Admittedly the legally wedded husband of the Petitioner's mother is Mr.M.Venugopal. The records of the petitioner would clearly show that the petitioner is the son of Mr.M.Venugopal. The petitioner has not produced an iota of material to substantiate his case. Even assuming that the father of the petitioner is Mr.Murugaiah he is not entitled to the relief for the reason that the petitioner was brought up by Balija Naidu community. Thus, we are unable to affix the seal of approval for the plea taken by the petitioner that he was fathered by Mr.Murugaiah who belonged to the Scheduled caste community by lowering the chastity of his mother.

7. In view of the aforesaid reasons, these Writ Petitions are dismissed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. Chairman,
Tamil Nadu State Scrutiny
Committee and Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai -9.
2. Chennai District Vigilance Committee
represented by its Chair Person, and
Collector of Chennai, Chennai-600 001.
3. Indian Overseas Bank
Rep. by its General Manager (IB)
No.763, Anna Salai,
Chennai- 600 002.

+1 cc to M/s.C.S.Associates Advocate sr96209
+1 cc to Mr.N.G.R.Prasad Advocate sr96120
+1 cc to Government Pleader sr96544

W.P.Nos.35601 and 38266 of 2004

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