

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition No.3788 of 2019
and
W.M.P.Nos.4192 and 4195 of 2019

G.Thiruvengkataswamy
S/o.C.R.Gurusamy

...Petitioner

Vs

- 1.The State Level Scrutiny Committee
represented by its
Chairman/Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.
- 2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.
- 3.The Deputy Superintendent of Police,
SC/ST Vigilance Cell, Salem Region,
Room No.109, Office of the District Collector,
City Police Commissioner Office Back Side,
Salem - 1.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent's Letter No.18611/CV-4(2)/2014-2 dated 04.07.2017 and consequential notice of the third respondent C.No.205/DSP/SC/ST Vigilance Cell/Salem Region/2017 dated 24.01.2019 and quash the same and consequently to declare the communal status of the petitioner as 'Konda Reddy Schedule Tribe Community' based on the Community Certificate of the petitioner's father R.Gurusami dated 27.11.1965 and Community Certificate of the petitioner dated 14.09.1978 and report of the RDO, Kovai, dated 27.05.1993 in respect of A.Dakshinamoorthy S/o.A.Akki Reddy, who is the petitioner's own maternal uncle son in the light of the letter No.35404/ADW II/91-1 dated 16.09.1991 issued by ADTW Department

and judgment of the Hon'ble Apex Court reported in 1997 (7) SCC 505.

For Petitioner : Mr.N.Naganathan
For Respondents: Mr.J.Pothiraj
Special Government Pleader

O R D E R

[Order was delivered by R.SUBBIAH,J]

Petitioner has filed the above Writ Petition seeking quash of first respondent's Letter No.18611/CV-4(2)/2014-2 dated 04.07.2017 and consequential notice of the third respondent C.No.205/DSP/SC/ST Vigilance Cell/Salem Region/2017 dated 24.01.2019 and consequently, declare the communal status of the petitioner as 'Konda Reddy Schedule Tribe Community' based on the Community Certificate of the petitioner's father R.Gurusami dated 27.11.1965 and Community Certificate of the petitioner dated 14.09.1978 and report of the RDO, Kovai, dated 27.05.1993 in respect of A.Dakshinamoorthy S/o.A.Akki Reddy, who is the petitioner's own maternal uncle's son in the light of the letter No.35404/ADW II/91-1 dated 16.09.1991 issued by ADTW Department and judgment of the Hon'ble Apex Court reported in 1997 (7) SCC 505.

2. Heard learned counsel for petitioner and learned Special Government Pleader for respondents.

3. According to petitioner, he belongs to 'Konda Reddy' Community, a Scheduled Tribe. After completion of school education, petitioner was residing at his uncle's house situated at Kannamoochi Village, Mettur Taluk, Salem District. After conducting due enquiry and on the basis of petitioner's father's Community Certificate, the Tahsildar, Mettur, has issued Community Certificate to the petitioner on 14.09.1978 stating that he belongs to 'Konda Reddy' Community. The close relatives of the petitioner are also holding such a Certificate. Petitioner was appointed as a Clerk at Canara Bank on 12.03.1985 under the Scheduled Tribe quota and subsequently, his service was confirmed. Petitioner has not availed any promotion. While so, the District Collector, under order dated 29.03.1999, cancelled the petitioner's Community Certificate. Challenging the same, petitioner filed W.P.No.8554 of 1999, which was allowed under orders dated 27.07.2005. While so, the petitioner's employer, by its letter dated 20.11.2014, requested the first respondent to verify the Community Certificate of the petitioner. After lapse of eight years, first respondent, under letter dated 04.07.2017, directed respondents 2 and 3 to conduct enquiry and submit a detailed report with regard to the

Community Certificate of the petitioner. The said letter dated 04.07.2017 has not been communicated to the petitioner. On 18.01.2018, the third respondent issued a summon to the petitioner to attend enquiry. On the request of petitioner, the letter dated 04.07.2017 was issued to him.

4. The main contention of learned counsel for petitioner is that when the Community Certificate has been issued to the petitioner after conducting due enquiry and thorough verification of documents, absolutely there is no need for the petitioner again to produce the documents to substantiate his claim that he belongs to 'Konda Reddy' Community. That apart, when the forefather and father of petitioner were holding such a Certificate, the genuineness of the petitioner's Certificate cannot be doubted.

5. Per contra, learned Special Government Pleader submits that under the impugned notice dated 24.01.2019, the petitioner was directed to produce the documents and if the same are in order, a favourable order will be passed in favour of the petitioner.

6. On consideration of rival submissions, this Court is of the view that the respondents are entitled to call for the documents to verify the status of the petitioner and no prejudice would be caused to the petitioner by producing the documents as directed by the respondents. For the aforesaid reasons, this Court does not find any merit in the Writ Petition.

The Writ Petition, accordingly, is dismissed. No costs. Connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

gm
To

1. The Chairman/Principal Secretary,
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.

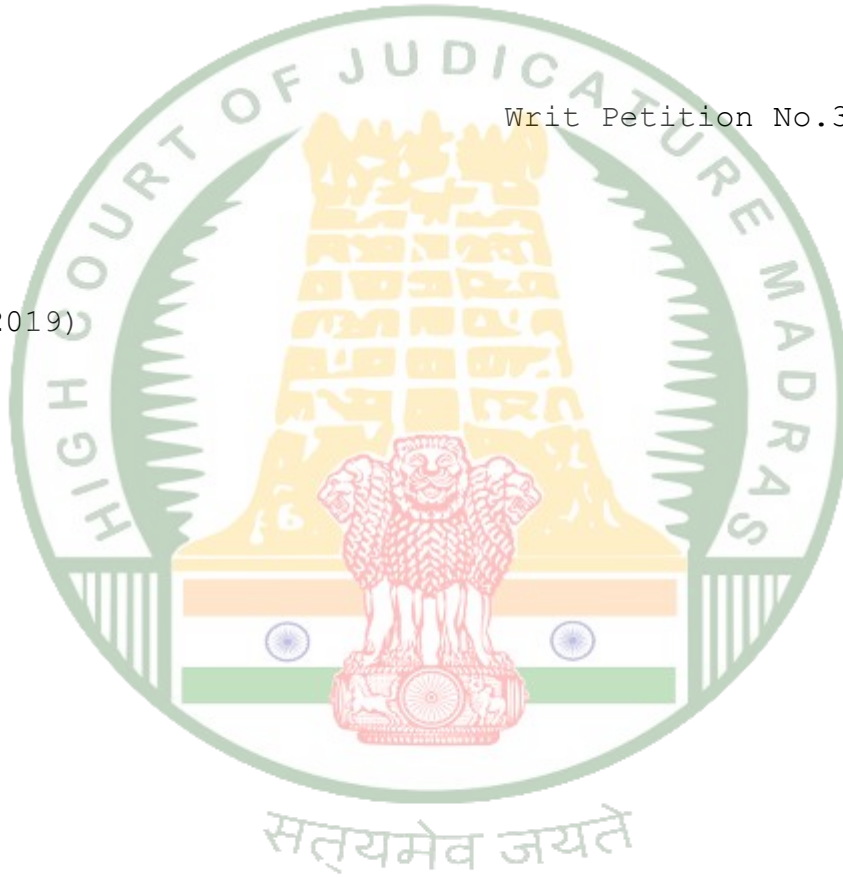
3.The Deputy Superintendent of Police,
SC/ST Vigilance Cell, Salem Region,
Room No.109, Office of the District Collector,
City Police Commissioner Office Back Side,
Salem - 1.

+1 CC to Mr.N.Naganathan, Advocate sr 37780

+1 CC to Govt. Pleader sr 38181.

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LN(CO)
SP(07/06/2019)



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