

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2019

CORAM:

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

W.P.No.4086 of 2019
and
W.M.P.No.4559 of 2019

M.Santhiya

.. Petitioner

Vs.

1. The Assistant General Manager (HR),
HR Department,
State Bank of India, LHO,
Chennai-600 001.

2. The Chief Manager (HR),
State Bank of India,
Administrative Office,
Zone-II, Auditorium (2nd Floor),
No.86, Rajaji Salai,
Chennai-600 001.

3. The Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat, Chennai-600 009,
Rep. by its Chairman.

4. The Collector,
Dharmapuri, Dharmapuri District.

5. The Revenue Divisional Officer,
Dharmapuri, Dharmapuri District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to allow the petitioner to participate in the certificate verification for an appointment to the post of Clerical Cadre as "Junior Associates (Customer Support and Sales) (Roll Number is 2481001569) to be held on 14.02.2019 under the quota reserved for Scheduled Tribe Community without insisting upon the production of the Community Certificate and issue posting and joining orders subject to production of the Community Certificate as and when the Community Certificate is issued by the fifth respondent and direct the fifth respondent to issue provisional Community Certificate to the petitioner.

For Petitioner : Mr.S.Doraisamy

For Respondent: Mr.K.Chandrasekaran for RR-1 & 2

Mr.D.Raghu, Govt. Advocate

ORDER

(The Order of the Court was made by R.Subbiah,J)

The petitioner has filed the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to allow the petitioner to participate in the certificate verification for an appointment to the post of Clerical Cadre as "Junior Associates (Customer Support and Sales) (Roll Number is 2481001569) to be held on 14.02.2019 under the quota reserved for Scheduled Tribe Community without insisting upon the production of the Community Certificate and issue posting and joining orders subject to production of the Community Certificate as and when the Community Certificate is issued by the

fifth respondent and direct the fifth respondent to issue provisional Community Certificate to the petitioner.

2. The case of the petitioner is that she belongs to Kurichan Community, which is notified as a Scheduled Tribe (ST) Community. In all the School Records, the community of the petitioner is entered as Kurichan Community. The application made by the mother of the petitioner to issue Community Certificate for the petitioner, was rejected on 13.06.2014, as against which, the mother of the petitioner filed W.P.No.26750 of 2016, in which this Court passed order on 01.08.2016 directing the petitioner's mother to approach the Appellate Authority, i.e. the fourth respondent-District Collector, within a period of two weeks. Accordingly, the petitioner preferred an appeal to the fourth respondent/District Collector and the fourth respondent, without giving any opportunity of being heard to the petitioner, passed an order rejecting the appeal on 13.11.2017, against which, the petitioner's mother filed a Writ Petition in W.P.No.2741 of 2018, in which this Court on 08.02.2018, passed an order directing the petitioner to file an appeal to the third respondent-Committee, which is pending. Thereafter, the third respondent referred the matter to the Vigilance Cell, Dharmapuri as well as to the Anthropologist and the Vigilance Cell conducted a local enquiry and found that the claim of the mother of the petitioner is genuine, by proceedings dated 04.10.2018. The Vigilance Cell gave a report from the Anthropologist, who had given a report that the petitioner belongs to Kurichan

Community. When once the Vigilance Cell submits a positive report to the third respondent-Committee, the third respondent is to pass orders, and till date, the third respondent-Committee has not passed any order. Now that the second respondent-SBI called upon the petitioner for Certificate Verification process on 14.02.2019, she having been selected for the post of Junior Associate (Customer Support and Sales).

3. Learned counsel for the petitioner submitted that it appears that it will take some time for the third respondent-Committee to pass orders on the appeal based on the abovesaid Vigilance Report and hence, he prayed this Court to allow the petitioner to participate in the Certificate Verification process for appointment to the post of Clerical Cadre as Junior Associate (Customer Support and Sales), without insisting upon the production of Community Certificate.

4. Heard both sides and perused the materials available on record.

5. Taking into consideration the submissions made on both sides, though larger relief is prayed for in the Writ Petition, it is suffice to direct the first and second respondents-SBI to permit/allow the petitioner to participate in the Certificate Verification process to be held on 14.02.2019, as the petitioner had been selected for appointment to the post of Junior Associate (Customer Support and Sales) under the ST quota, without insisting upon the production of the Community Certificate. However, the petitioner is directed to produce the Community Certificate at the time of joining the duty. In the meantime, the third

respondent-Committee is directed to pass orders on the appeal preferred by the petitioner's mother, preferably within a period of two months from the date of receipt of a copy of this order.

6. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently, W.M.P. is closed.

(R.P.S.J) (K.R.J)
13.02.2019

Office to note: Issue order copy by today.

CS

To

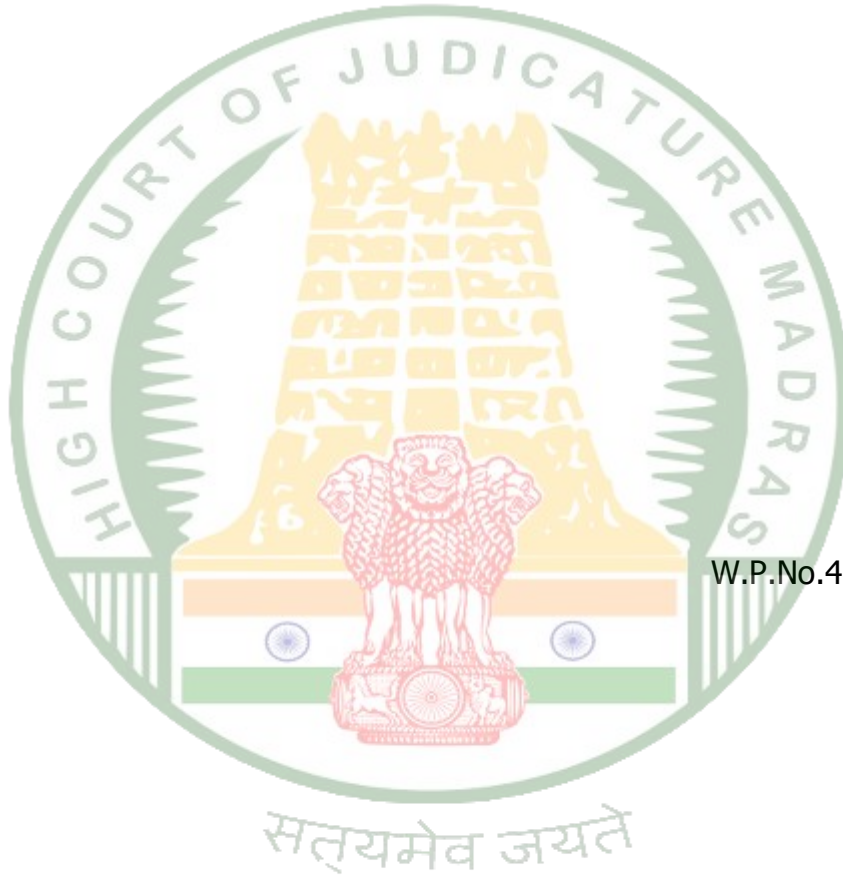
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R.SUBBIAH, J

and

KRISHNAN RAMASAMY, J

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