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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 17.07.2019

Pronounced on : 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

and

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.6072 of 2019

S.Ezhil

.. Petitioner

Vs.

1.The Tahsildar

Ambattur Division,
Thiruvallur District,
Tamil Nadu

2.District Adi Dravida & Schedule Tribes

Welfare Office,
Thiruvallur District.

3.Deputy Registrar(Admn.)

Indian Institute of Technology, Madras,
Chennai 600 036.

.. Respondents

(R3 impleaded as per Court Order
dated 03/07/2019 in WMP. 18235/2019 in
WP. 6072/19)

PRAYER . : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to submit the verification report that called for by the petitioner - employer with regard to petitioner's community certificate dated 10.11.2006 issued by the first respondent office in Reference R.Dis.13545/2006.

For Petitioner : Mr.C.H.Vinobha Gandhi

For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader.



O R D E R

C.SARAVANAN, J.

The petitioner is an engineering graduate and an employee of the 3rd respondent Indian Institute of Technology (IIT) Madras.

2. She joined the grade of Junior Technician in the year 2016. The petitioner had declared that she belonged to Scheduled Castes Adi Dravida Community and had produced a Community Certificate dated 04.07.2000 bearing reference R.Dis.No.29218/2000 issued by the Tahsildar, Tondiarpet Division.

3. The petitioner was appointed against the quota reserved for Scheduled Caste. Though the petitioner joined duty on 17.8.2016 pursuant to an appointment order dated 2.8.2016, her employment is awaiting confirmation for want of verification of the said community certificate from the 1st respondent.

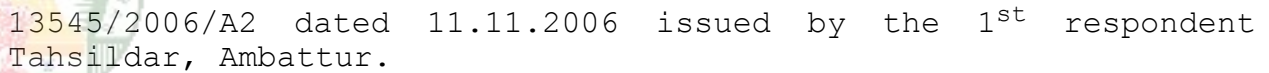
4. It appears from the records that after repeated reminders, the 2nd respondent has responded by a communication dated 12.2.2018 through proceeding bearing reference N.Ka.No.J3/28140/2016 addressed to the 1st respondent regarding the status of the verification.

5. Since verification has not been completed, the petitioner has approached this court with the present writ petition to direct the respondents to submit a verification report called by the 3rd respondent with regard to petitioner's community certificate dated 10.11.2006 issued by the 1st respondent bearing Reference R.Dis 13545/2006.

6. From the documents filed along with the writ petition. The averment in para-2 of the affidavit giving the details of the petitioner's community certificate appears to be incorrect. It is perhaps on account of typographical mistake.

7. Be that as it may, we shall proceed to dispose the present writ petition. Correct details have been filed in typed set of document. It corresponds with the relief claimed by the petitioner's community in respect of the certificate dated 10.11.2006 purportedly issued by the 1st respondent bearing Reference R.Dis 13545/2006. A photo copy of the said community certificate is closed in the type set of document and papers filed along with the above writ petition. This Certificate was produced by the petitioner while applying for the post with the 3rd respondent.

8. The 1st respondent has filed a counter. It has been stated that the Community Certificate submitted by the petitioner with the 3rd respondent contains the details of R.Dis.



9. The 1st respondent in the counter has stated that based on the available records a detailed report was sent to the 2nd respondent on 21.03.2019 regarding the community certificate.

10. According to the 1st respondent, the scrutiny revealed that only an income certificate was issued by the then Tahsildar, Ambattur to one Vinoth Kumar s/o Manoharan Koladi Village, Ambattur from file R.Dis 13545/2006 dated 27.7.2006 and that no community certificate was issued with the aforesaid number to the petitioner.

11. At the same time, it has been stated that blank community card with a distinctive No.4225720 submitted by the petitioner was supplied to the Taluk Office by the then District Collectorate , Tiruvallur.

12. However, details of the Community Certificate bearing Distinctive Number 4225720 was not readily available from the certificate issuing registers pertaining to the year 2006 maintained by the 1st respondent office.

13. By an additional counter affidavit, it has been re-confirmed that the subject community certificate was not issued to the petitioner and that the certificate details given by the petitioner in the writ petition was only an income certificate issued to said Vinoth Kumar s/o Manoharan Koladi Village Ambattur.

14. The 1st respondent has therefore stated that the petitioner should apply for a fresh community certificate before the jurisdictional Tahsildar namely Tahsildar, Madhavaram.

15. It was therefore submitted the petitioner cannot claim of verification report in her favour based on the certificate produced for verification.

16. They have further stated that the petitioner can apply for a fresh community certificate before the jurisdictional Tahsildar namely Tahsildar, Madhavaram.

17. Since the very existence of the subject certificate is in doubt, we find the submission of the learned Government Pleader reasonable. The petitioner is therefore directed to apply for a fresh community certificate, within a period of 2 weeks from the date of receipt of this order together with necessary evidence in support of her claim for a community certificate.

18. The jurisdictional Tahsildar namely, Tahsildar, Madhavaram shall thereafter scrutinise and issue a fresh



community certificate to the petitioner after confirming that the petitioner indeed belongs to the Scheduled Castes Adi Dravidar Community.

19. The petitioner shall co-operate and produce necessary supporting documents to enable the jurisdictional Tahsildar in this endeavour.

21. The practice of issuing blank community certificate to Taluk Office as was done in the past has resulted in inconveniences to genuine and deserving person and has strained the administration. The respondents may therefore update their records wherever blank community certificates have been issued in the past. If necessary verification may be carried out and steps may be taken to cancel community certificate in accordance with law.

22. In fine, it is ordered as follows:

i) The petitioner shall file appropriate applications before the Jurisdictional Tahsildar, Madhavaram, within a period of two weeks for issuance of the community certificate.

ii) The Jurisdictional Tahsildar, Madhavaram is directed to consider the application of the petitioner and dispose the same within a period of six weeks thereafter.

iii) Pending such exercise, the third respondent shall maintain the status-quo of the petitioner.

iv) The 2nd respondent shall update their records wherever blank community certificate were issued in the past and take appropriate steps as indicated above in accordance with law.

23. The writ petition stands disposed with the above observation. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kkd
To

1. The Tahsildar

Ambattur Division,
Thiruvallur District,
Tamil Nadu.



2.District Adi Dravida & Schedule Tribes
Welfare Office,
Thiruvallur District.

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3.Deputy Registrar(Admn.)
Indian Institute of Technology,Madras,
Chennai 600 036.

4. The Tahsildar,
Madhavaram,
chennai.

+1cc to Mr.C.H.Vinobha Gandhi, Advocate, S.R.No. 66220(18/12/19)

W.P.No.6072 of 2019

EV(CO)
GN(17/10/2019)