

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.12614 of 2019
and W.M.P.Nos.12852 & 16072 of 2019

M.Santhiya

... Petitioner

Vs.

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

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, issuance of a Writ of Mandamus, directing the 3rd respondent to issue community Certificate to the petitioner that she belongs to Kurichchan (ST) Community based upon the Vigilance Cell report dated 04.10.2018 and Anthropologist report dated 23.08.2018 for the production of community certificate before the 1st respondent till such time direct the 1st respondent not to cancel the appointment of the petitioner to the post of Clerical Cadre as "Junior Associates (Customer Support & Sales) (Roll Number is 2481001569).

For Petitioner : Mr.S.Doraisamy
For Respondent No.1 : Mr.K.Chandrasekaran
For Respondent No.2 & 3 : Mr.V.Shanmuga Sundar
Special Government Pleader

O R D E R

(Order of this Court was made by R.SUBBIAH, J.)

The petitioner has come up with the present writ petition for a mandamus, directing the 3rd respondent to issue Community Certificate to her that she belongs to Kurichchan (ST) Community based upon the Vigilance Cell Report dated 04.10.2018 and Anthropologist Report dated 23.08.2018 for the production of Community Certificate before the 1st respondent, till such time direct the 1st respondent not to cancel the appointment of her to the post of Clerical Cadre as "Junior Associates (Customer Support & Sales)".

2. The case of the petitioner is that she belongs to Hindu 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 an order on 01.08.2016 directing the petitioner's mother to approach the Appellate Authority, i.e. the District Collector, within a period of two weeks. Accordingly, the petitioner's mother preferred an appeal to the District Collector. But the appellant authority without giving any opportunity of being heard to the petitioner's mother, passed an order rejecting the appeal on 13.11.2017. As 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's mother to file an appeal to the second respondent-Committee.

3. Accordingly, the petitioner's mother preferred an appeal before the second respondent. The second respondent referred the matter to the Vigilance Cell, Dharmapuri as well as to the Anthropologist. The Vigilance Cell conducted a local enquiry and found that the claim of the petitioner's mother is genuine, by proceedings dated 04.10.2018. The Vigilance Cell had also obtained a report from the Anthropologist, who had given a report that the petitioner's mother belongs to Kurichan Community. When once the Vigilance Cell submits a positive report to the second respondent-Committee, the second respondent is to pass orders, and till date, the second respondent-Committee has not passed any order.

4. However, the first respondent Bank 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). Though the petitioner possessed all the certificates as required by the first respondent, she could not produce the Community Certificate because of the delay caused by the 3rd respondent. Hence, the petitioner filed W.P.No.4086 of 2019 to direct the 1st respondent Bank to allow

her to participate in the certificate verification for an appointment to the post of Clerical Cadre as "Junior Associates", which was 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 issued by the 3rd respondent and directed the 3rd respondent to issue provisional Community Certificate to her. This Court, by order dated 13.02.2019 disposed of the writ petition, directing the second respondent-Committee to pass orders on the appeal preferred by the petitioner's mother. Since, no action has been taken, the petitioner has come forward to file this writ petition.

5. Today, when the matter is taken up for consideration, the learned Special Government Pleader appearing for the respondents 2 and 3 filed a detailed counter stating that now the matter is pending before the second respondent-Committee, if the petitioner appears before the Committee, they will conduct enquiry and complete the same, within a period of four weeks.

6. Whereas, the learned counsel for the petitioner insisted this Court to issue a direction to the respondents to issue Community Certificate by virtue of Anthropologist Report as well as the Vigilance Cell Report. But we are not inclined to accept the prayer made by the petitioner, since the enquiry is pending before the second respondent-Committee. Hence, it would be appropriate to direct the second respondent-Committee to pass orders by conducting enquiry. Accordingly, the second respondent-Committee is directed to conduct enquiry and complete the same, within a period of four weeks from the date of receipt of a copy of this order, based on the Vigilance Cell Report dated 04.10.2018 as well as Anthropologist Report dated 23.08.2018. In the meantime, the first respondent is directed to keep the post vacant till the completion of enquiry.

7. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1.The Chairman,
Tamil Nadu State Level
Scrutiny Committee,
Adi Dravidar and Tribunal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat,
Chennai - 600 009.

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

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

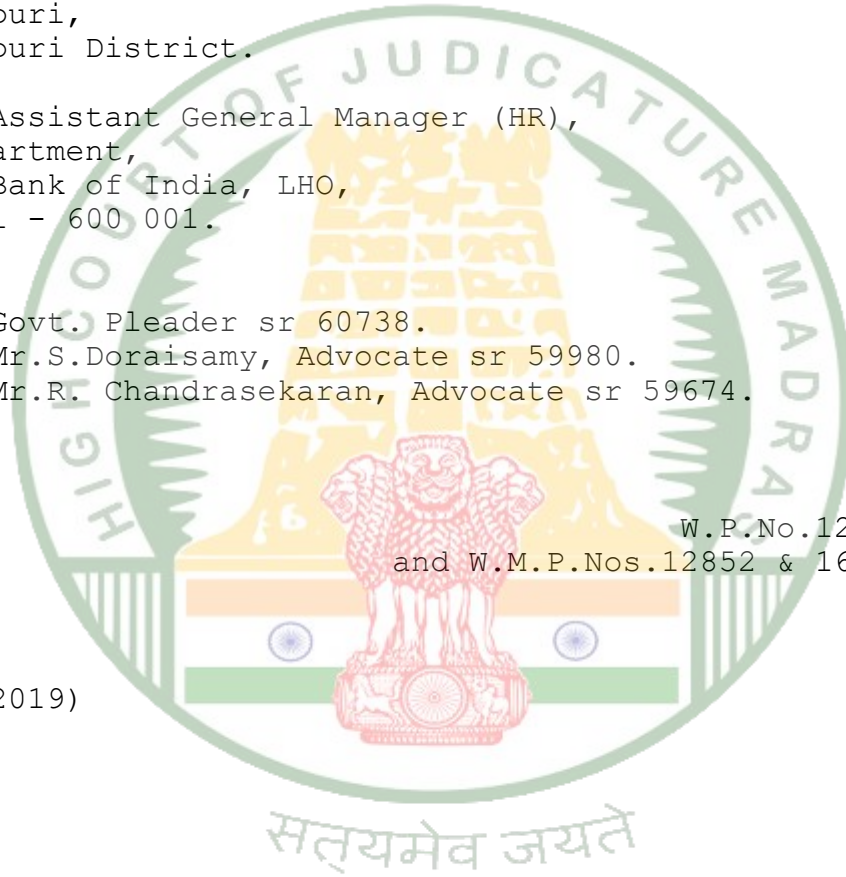
+1 CC to Govt. Pleader sr 60738.

+1 CC to Mr.S.Doraisamy, Advocate sr 59980.

+1 CC to Mr.R. Chandrasekaran, Advocate sr 59674.

W.P.No.12614 of 2019
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PPA (CO)
SP (22/08/2019)



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