

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Judgment : 16.04.2019	Date of Pronouncing Judgment 30.04.2019
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Coram

The Hon'ble Mr. Justice R. Subbiah
and
The Hon'ble Mr. Justice Krishnan Ramasamy

Writ Petition Nos. 12739 and 12797 of 2017
and
W.M.P. Nos. 13589 and 13660 of 2017

1. K. Ravichandran ... Petitioner in W.P. No. 12739 of 2017
2. K. Venugopal ... Petitioner in W.P. No. 12797 of 2017

Vs.

1. The Deputy General Manager/CDO,
State Bank of India,
Local Head Office,
No. 6, College Road, Chennai - 6.
2. The Assistant General Manager,
Personnel Department,
State Bank of India,
Local Head Office,
No. 6, College Road, Chennai - 6.
3. The Vigilance Cell,
Directorate of KIRTADS,
Kozhicode - 17.
4. The District Collector,
Idukki District, Kerala
(R-4 suo mottu impleaded as per order dated
09.08.2018 by this Court.

... Respondents 1 to 4 in both W.Ps.

Common Prayer

Writ Petitions filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the respondents 1 and 2 from carrying out the re-verification of the petitioner's community status through the third respondent or any other Authority.

Appearance of the counsel in both W.Ps.

For Petitioners	:	Mr.V.Vijay Shankar
For Respondents 1 and 2	:	Mr.K.Chandrasekaran
For Respondents 3 and 4	:	Mr.J.Pothiraj, Special Government Pleader

COMMON O R D E R

[Order was delivered by Krishnan Ramasamy, J.,]

The petitioners have filed the above Writ Petitions praying for issuance of Writ of Mandamus, restraining respondents 1 and 2 from carrying out the re-verification of the petitioner's community status through the third respondent or any other Authority.

2. Since the relief sought for by the petitioners in both the Writ Petitions are identical in nature, both the Writ Petitions have been taken up together and disposed of vide this Common Order, however, the facts of the case are being taken from the first Writ Petition, i.e. W.P.No.12739 of 2017.

i) The petitioner claims that he belongs to Hindu Konda Reddi Community, which is a scheduled tribe community, as per the Constitution Scheduled Tribes Order 1950. The Tahsildar, Peeramedu, also issued a Community Certificate on 17.11.1984 to the effect that the petitioner belong to Scheduled Tribe Community. After due verification and enquiry, the said Community Certificate was issued in the prescribed format on 29.07.1993,

ii) On the strength of the said certificate, petitioner was appointed as Clerk cum Cashier and got promoted as Junior Management Grade, in 1993. The respondents 1 and 2, on the basis of the complaint received with regard to the genuineness of the community certificate produced by the petitioner during employment, requested the District Collector, Idukki, to verify the community certificate of the petitioner.

iii) The Collector, after making extensive investigation and enquiry, confirmed that the petitioner belong to the Konda Reddi Community, vide his communication, dated 16.04.1996.

iv) The third respondent, Vigilance Cell, vide notice, dated 19.04.2017, summoned the petitioner to appear for enquiry on 28.04.2017. When the petitioner appeared on the said date, (i.e., 28.04.2017), the enquiry was postponed to 08.05.2017. When the petitioner appeared on 08.05.2017, the third respondent

directed the petitioner to appear for enquiry after two weeks. The petitioner came to understand that the third respondent is conducting enquiry with regard to the genuineness of the petitioner's community certificate on the basis of the letter, dated 02.11.2016, sent by the first respondent/Employer. Though the said letter dated 02.11.2016 was not available with the petitioner, the petitioner understood that the respondents 1 and 2 have once again making re-verification of the petitioner's community certificate.

v) According to the petitioner's, case he cannot be called for enquiry with regard to the community status, as the same was already done by the District Collector, Idukki, who also filed a report, dated 16.04.1996 stating that the petitioner belong to Hindu Konda Reddi Community. Setting out the said fact, the petitioner made a representation to the respondents, dated 09.05.2017, requesting them not to make re-verification of the petitioner's community status once again. Since the said representation evoked no response, the petitioners are constrained to approach this Court by way of filing the present Writ Petitions seeking for the aforesaid relief.

3. The learned counsel appearing for the petitioners submitted that the petitioners originally belong to Hindu Konda Reddi Scheduled Tribe Community and the same was also confirmed by the District Collector, Idukki, who conducted enquiry pursuant to the request made by the first respondent for verification of the community certificate of the petitioners. Therefore, the first respondent is not right in once again seeking for re-verification of the community status of the petitioners and the same mode is adopted only to delay and deny the petitioners from enjoying the promotional avenues. Hence, the learned counsel prayed for appropriate direction.

4. Per contra, the learned counsel appearing for the respondents 1 and 2 while reiterating the averments set out in the counter affidavit filed by the respondents 1 and 2 in relation to W.P.No.12739 of 2017 submitted that the petitioners were appointed in the service of the respondent/State Bank of India against the vacancy reserved for Scheduled Tribe, as they claimed themselves to be belonging to Hindu Konda Reddi Community and they also produced the community certificate issued by the Thasildar, Peeramedu, dated 17.11.1984, (so far as petitioner in W.P.No.12739 of 2017 is concerned) and community certificate dated 15.11.1982 (in respect of petitioner in W.P.No.12797 of 2017). Since complaints were received with regard to the genuineness of the petitioners' community certificate, the respondent/Bank ordered for verification, and such verification was done by the District Collector, Idukki, only through Revenue Divisional Officer. However, the

Government of India, Ministry of Finance, Department of Economic Affairs, vide notification, 23.03.1990 had directed all the Public Sector Banks/Financial Institutions to verify the caste certificates of the existing employees, belonging to various scheduled tribes. The said requirement was also upheld by the Hon'ble Supreme Court in accordance with the procedure prescribed for the issuance and verification of the caste certificate in the decision rendered in Kumari Madhuri Patil Vs. Additional Tribal Commissioner, reported in AIR (1995) SC 94.

5. Therefore, the learned counsel submitted that respondents 1 and 2, keeping in view the Government of India's notification, dated 23.03.1990 and following the procedure prescribed by the Hon'ble Supreme Court, in Kumari Madhuri Patil's case (supra) which mandates for verification to be done by the State Level Scrutiny Committee, they have rightly sent for re-verification of the petitioner's community certificate once again to the third respondent and there is no arbitrariness in the act of the respondents 1 and 2. The learned counsel further submitted that, apart from the above, the Writ Petitions filed by the petitioners are not maintainable on the ground lack of jurisdiction. Firstly, the community certificates were issued to the petitioners only by the Tahsildar, Peeramedu, at Kerala, and the same was verified by the District Collector, Idukki, Kerala District and the process for re-verification is handed over to the third respondent, a Vigilance Cell attached to Kerala State Level Scrutiny Committee. The learned counsel, therefore, submitted that only the Keral High Court has jurisdiction to decide the issue and hence, the Writ Petitions are not maintainable and liable to be dismissed

6. Heard both sides.

7. As rightly pointed out by the learned counsel for the respondents, the Writ Petitions are liable to be dismissed on the ground of lack of jurisdiction, as community certificates were issued to the petitioners only by the Tahsildar, Peeramedu, at Kerala, and the same was verified by the District Collector, Idukki, Kerala District and the process for re-verification is handed over by the respondents 1 and 2 to the third respondent, a Vigilance Cell attached to Kerala State Level Scrutiny Committee. Therefore, only the Kerala High Court has jurisdiction to decide the issue. Notwithstanding the same, we proceeded to deal with the matter based on its merits.

8. Admittedly, in the year, 1995, the first respondent sent the community certificates of the petitioners for verification to the District Collector, Idukki and the Collector verified the same and vide letter, dated 16.04.1996 confirmed that the petitioners belong to Hindu Konda Reddi Community, a

Scheduled Tribe Community. However, in view of the notification issued by the Government of India, Ministry of Finance, Department of Economic Affairs, vide notification, dated 23.03.1990, requiring all the Public Sector Banks/Financial Institutions to verify the caste certificates of the existing employees, belonging to various scheduled tribes, and the said requirement was also upheld by the Hon'ble Supreme Court, by following the procedures prescribed for the issuance and verification of the caste certificate in the decision rendered in Kumari Madhuri Patil (supra), it is just and necessary that the Scheduled Tribes Community Certificates produced by the existing employees of the Public Sector Banks, Financial Institutions, etc. needs to be verified only by the State Level Scrutiny Committee. Hence, the contention of the petitioners that, already their community certificates were verified by the District Collector, and therefore, the first respondent is not right in making re-verification, is not sustainable.

9. Further, we would like to point out that, in whichever case, a doubt/suspicion is raised with regard to the genuineness of the community certificate produced by a particular employee, by the employer concerned, only the State Level Scrutiny Committee has the power to verify the same and find out its genuineness, and thereafter, such an issue will attain finality. If the petitioners claim is true that, originally, they belong to Hindu Konda Reddi Scheduled Tribe Community, the same is going to get confirmed by the State Level Scrutiny Committee and the petitioners can have no grievance over the same.

10. Therefore, we do not find any illegality on the part of the respondents 1 and 2 to seek for re-verification of the petitioner's community certificates.

11. In the light of the findings rendered above, both the Writ Petitions stand dismissed, as being devoid of merit. No costs. Connected Writ Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Deputy General Manager/CDO,
State Bank of India,
Local Head Office,
No.6, College Road, Chennai - 6.
2. The Assistant General Manager,
Personnel Department,
State Bank of India,
Local Head Office,
No.6, College Road, Chennai - 6.
3. The Vigilance Cell,
Directorate of KIRTADS,
Kozhicode -17.
4. The District Collector,
Idukki District, Kerala.

+1cc to Mr.Chandrasekaran, Advocate Sr.42783

+2cc to Mr.Vijayshankar, Advocate Sr.42985, 42986

+1cc to the Government Pleader Sr.43310

Writ Petition No. 12739 and 12797 of 2017

mg[co]
srg 18/06/2019

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