

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2019

CORAM:

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

W.P.No.29671 of 2018

A.Senthilkumar

.. Petitioner

Vs.

The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondent to issue the Caste Certificate in prescribed format based upon the Community Certificate already issued to the petitioner in Proceedings in R.Dis.2575/A4/2007, dated 10.01.2018 issued by the respondent that he belongs to Kondareddis (ST) Community to be produced before the Institute of Banking Personnel Selection.

For Petitioner: Mr.S.Doraisamy

For Respondent: 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 respondent to issue the Caste Certificate in prescribed format based upon the Community Certificate already issued to the petitioner in Proceedings in R.Dis.2575/A4/2007, dated 10.01.2018 issued by the respondent that he belongs to Konda Reddis (ST) Community to be produced before the Institute of Banking Personnel Selection.

2. It is the case of the petitioner that he belongs to Konda Reddis Community, which is classified as Scheduled Tribe Community. His father obtained a Community Certificate from the Tahsildar, Tiruttani on 25.01.1979 to the effect that he belongs

to Hindu Konda Reddis (ST) Community and his mother also obtained Community Certificate from the Tahsildar, Pallipet on 17.07.1982.

3. The petitioner's father preferred an application to the respondent requesting to issue Community Certificate to the petitioner and his sister A.Preethi, and the said application was rejected by the respondent on the ground that they belong to Kondhalakulam Community, against which, the petitioner filed a Writ Petition before this Court in W.P.No.9535 of 2016, which was disposed of along with W.P.No.11852 of 2016 on 10.03.2017 directing the State Level Scrutiny Committee to decide the issue in question as to whether Kondhalakulam and Konda Reddy Community are one and the same. In the meanwhile, this Court, in W.P.No.22955 of 2013, by order dated 08.11.2017, declared that Kondhalakulam and Konda Reddis are one and the same. The petitioner, his father and his sister preferred Review Application (Writ) No.102 of 2012 against W.P.No.9535 of 2016 (order dated 10.03.2017), and the said Review Application was disposed of along with Review Application (Writ) No.103 of 2012 (against W.P.No.11852 of 2016, order dated 10.03.2017) on 24.11.2017, observing as follows:

"13. For the foregoing reasons, these review petitions are allowed with the following directions:

a) The common order dated 10.03.2017 made in W.P.Nos.9535 and 11852 of 2016 is recalled;

b) The writ petitions are allowed by setting aside the orders challenged in the writ petitions, namely, the proceedings of the respondent in Na.Ka.No.2555/2013/A1, dated 14.01.2016 and Na.Ka.No.787/2014/A3, dated 14.01.2016 respectively.

c) The respondent is directed to issue community certificates as prayed for in the writ petitions within four weeks from the date of receipt of a copy of this order, in the light of the directions passed herein above."

4. It is the further case of the petitioner that the above order of this Court passed in the Review Applications, was complied with by the respondent on 10.01.2018 and the Community Certificate was issued to the petitioner and his brother and sister, stating that they belong to Kondareddis (ST) Community. Thereafter, the petitioner preferred an application in June 2018

to the Institute of Banking Personnel Selection, for recruitment of Officers in the scale pay-II under the category reserved for ST Community. The petitioner appeared for the written examination on 30.09.2018 and he was finally selected for the post of General Banking Officer and he was called upon for the interview and certificate verification was to be held on 20.11.2018 at 8.30 a.m in Virudhunagar District.

5. Further, as per the interview letter, the petitioner has to produce the Caste Certificate in prescribed format in Column No.1(i)(c) of the call letter and the Caste Certificate had to be produced in the prescribed format as in the Brochure for SC/ST candidates. Hence, the petitioner's father preferred an application to the respondent on 22.10.2018 requesting to issue the Caste Certificate to the petitioner in the prescribed format based upon the Certificate, dated 10.01.2018 already issued to the petitioner and his father sent a reminder to the respondent on 29.10.2018, however, the same has not been issued in prescribed format. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

6. When the Writ Petition is taken up for consideration, learned counsel for the petitioner submitted that already there was a direction by this Court in the said Review Petitions, directing the respondent to issue Community Certificate to the petitioner. Accordingly, the Community Certificate was issued to the petitioner. Now, the petitioner is in need of the Community Certificate in prescribed format for the purpose of producing the same before the Bank authorities as he has been selected for the post of General Banking Officer. The respondent not yet issued the Community Certificate in the prescribed format as sought for by the petitioner to be produced before the Bank authorities.

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

8. When already there is a direction by this Court in the said Review Applications to issue Community Certificate, based upon which the Community Certificate was also issued to the petitioner, there cannot be any impediment for the respondent to issue the Community Certificate to the petitioner in the prescribed format as sought for by the petitioner for producing the same before the Bank authorities.

9. Hence, the respondent is directed to issue the Community Certificate to the petitioner in the prescribed format for producing the same to the Bank authorities, as sought for in the interview call letter of the petitioner, he having been selected for the said post. The said Community Certificate shall

be issued in the prescribed format as directed above, within a period of one week from the date of receipt of a copy of this order.

10. It is made clear that the above order has been passed without expressing any opinion on the merits of the claim made by the petitioner and even after the Community Certificate is issued in the prescribed format as directed above, the same shall be subject to verification, at a later point of time, by the State Level Scrutiny Committee.

11. With the above observations and direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cs

To

The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.

+1 cc to Mr.S.Doraisamy, Advocate SR.No.10164

+1 cc to The Government Pleader, SR.No.10782

W.P.No.29671 of 2018

PM(CO)

CSL/13.02.2019

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