



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.6691 of 2018

and

W.M.P.(MD)Nos.6466 and 6467 of 2018 and 6247 of 2019

D.Dhanapal

: Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Rajapalayam, Virudhunagar District.

4.The Chief Executive Officer,
Khadi & Village Industries Commission,
Gramodaya, 3 Irla Road, Vile Parle (West),
Mumbai - 400 056.

: Respondents

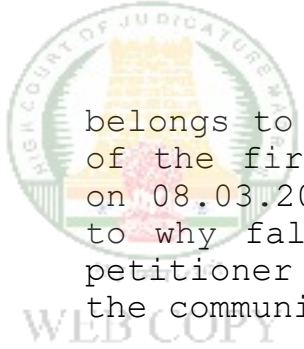
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus calling for the records on the file of the first respondent in connection with the order passed in Rc.No.J1/16235/2006, dated 01.03.2018 and quash the same and consequently, direct the first respondent herein to conduct fresh enquiry as per G.O.(2D)No.108, dated 12.09.2007.

For Petitioner : Mr.RM.Loganathan
For R-1 to R-3 : Mr.V.R.Shanmuganathan
Special Government Pleader
For R-4 : Mr.S.Murugan

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

The petitioner is aggrieved against the order of the first respondent, dated 01.03.2018, wherein and whereby the first respondent informed the Commissioner for Khadi and Village Industries, Chennai-86, that the Community Certificate issued to the petitioner, dated 12.07.1984 stating that he belongs to 'Hindu Pallan' Community is found to be not a genuine one and that he



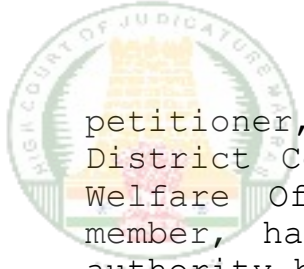
belongs to 'Christian Pallan' Community. Based on such communication of the first respondent, the fourth respondent issued a memorandum on 08.03.2018 calling upon the petitioner to furnish explanation as to why false information with regard to his Community. Hence, the petitioner has chosen to file the present writ petition to challenge the communication of the first respondent, dated 01.03.2018.

2. Heard the learned counsel appearing for the petitioner; the learned Special Government Pleader appearing for the respondents 1 to 3 and the learned counsel appearing for the fourth respondent.

3. The petitioner was issued with a Community Certificate, dated 12.07.1984 certifying that he belongs to Scheduled Community (Hindu Pallan Community). It appears that the fourth respondent, the employer of the petitioner, sent the said certificate for verification to the first respondent, who in turn, issued the impugned communication, based on a report received from the Revenue Divisional Officer, Sivakasi. The main grievance of the petitioner before this Court is that the first respondent is not competent to give any finding on the genuineness of the Community Certificate issued to the petitioner as it is the District Level Vigilance Committee constituted under G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CT-I) Department, dated 12.09.2007 alone has to verify and hold enquiry and thereafter to pass an order. Therefore, it is contended by the learned counsel for the petitioner that without following the procedure contemplated under G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CT-I) Department, dated 12.09.2007, the first respondent has erroneously issued the impugned proceedings, as if the Community Certificate issued to the petitioner is not a genuine one. He further submitted that the petitioner was not given any notice by the District Level Vigilance Committee so far and on the other hand, he voluntarily appeared before the Committee and has given statement.

4. Mr. V.R. Shanmuganathan, learned Special Government Pleader submitted that though the impugned communication was issued by the first respondent, in effect, the same is resulting out of the enquiry conducted by the District Level Vigilance Committee and therefore, the petitioner is not justified in contending that the procedure contemplated under G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CT-I) Department, dated 12.09.2007, was not followed. However, he fairly submitted that though an enquiry was conducted by the District Level Vigilance Committee, no order was passed by such Committee to be communicated to the fourth respondent and on the other hand, the first respondent himself has issued the impugned communication.

5. There is no dispute of the fact that G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CT-I) Department, dated 12.09.2007, deals with the procedure to be followed for verification of the Community Certificates in respect of Scheduled Castes / Scheduled Tribes. As rightly pointed out by the learned counsel for the



petitioner, the District Level Vigilance Committee consisting of District Collector, as Chairman; District Adi Dravidar and Tribal Welfare Officer, as Member Secretary and an Anthropologist, as member, has to call for report from the concerned local revenue authority by whom such Scheduled Caste / Scheduled Tribe certificate was issued and on receipt of such report, if the District Level Vigilance Committee finds that the claim for social status as not genuine or doubtful, it should issue show cause notice to the candidate, conduct an enquiry and thereafter pass order on receipt of his reply.

6. In this case, we find that the impugned communication issued by the first respondent does not speak about the compliance of those procedures. On the other hand, it is apparent that the first respondent himself has issued the said communication to the fourth respondent. Therefore, we find that the first respondent is not justified in issuing the communication on his own without there being any order passed by the District Level Vigilance Committee. Hence, we are inclined to set aside the impugned order and remit the matter back to the District Level Vigilance Committee for conducting fresh enquiry after putting the petitioner on notice.

7. Accordingly, this writ petition is allowed and the impugned communication is set aside. Consequently, the matter is remitted back to the District Level Vigilance Committee of Virudhunagar District for conducting enquiry in respect of Community Certificate issued to the petitioner by following the procedure contemplated under G.O.(2D)No.108, Adi Dravidar and Tribal Welfare (CT-I) Department, dated 12.09.2007. The District Level Vigilance Committee shall complete the enquiry and pass final orders, after giving due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to co-operate with the District Level Vigilance Committee for completion of the enquiry within the time stipulated in this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/ True Copy /

Sub Assistant Registrar (CS-)

rj2

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.



2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Tahsildar,
Rajapalayam, Virudhunagar District.

4.The Chief Executive Officer,
Khadi & Village Industries Commission,
Gramodaya, 3 Irla Road,
Vile Parle (West),
Mumbai - 400 056.

Copy To:

The District Level Vigilance Committee,
Virudhunagar.

+1 CC to M/s.S.MURUGAN, Advocate (SR-71214[F] dated 25/06/2019)
+1 CC to M/s.SPL GP (SR-71475[F] dated 26/06/2019)
+1 CC to M/s.RM.LOGANATHAN, Advocate(SR-71843[F]dated 27/06/2019)

W.P. (MD) No. 6691 of 2018
25.06.2019

ES/02.07.2019/4P/9C