



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 11.01.2019
PRONOUNCED ON : 10.04.2019

WEB COPY

CORAM:
THE HONOURABLE MR. JUSTICE **R.SUBBIAH**
and
THE HONOURABLE MR. JUSTICE **B.PUGALENDHI**

W.P. (MD) No.7059 of 2017
and
W.M.P. (MD) No.5587 of 2017

N.Niranjana ... Petitioner

Vs.

1. The State Level Scrutiny Committee,
Rep. by its Chairman and Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.

2. The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.

3. M.Ravichandran,
Dy. Supt. of Police,
SC / St Vigilance Cell,
Salem Division, R.No.109,
District Collector's Office Complex,
Salem - 1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari to call for the records relating to the proceedings bearing C.No.93/DSP/SC/ST Vigilance Cell/Salem Region/2016 dated 30.01.2017 of the third respondent and quash the order passed therein and to declare that the petitioner is belonging to the scheduled tribe community in view of the favourable finding already arrived at in respect of petitioner's father and her relatives.

For Petitioner : Mr.Yogesh Kannadasan

For Respondents : Mr.V.R.Shanmugathan,
Special Government Pleader
for R.1 & R.2

No representation for R.3

**ORDER****B. PUGALENDHI, J.,**

This Writ Petition has been filed by the petitioner as against the proceedings of the third respondent dated 30.01.2017, in and by which, the third respondent has given an adverse report to the second respondent, negating the petitioner's claim that she belongs to Hindu Kammara Community, classified under Scheduled Tribe.

2. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

3. According to the petitioner, while she was pursuing her final year MBBS Course, her community certificate was referred for verification by the College. Her case is that the third respondent, without conducting a fair enquiry, has demanded bribe for getting favourable orders. Since the petitioner and her father does not accede his request, the third respondent has given such an adverse finding.

4. The learned Counsel for the petitioner contended that the petitioner's father is a Bank Officer and he belongs to Hindu Kammara Community, classified under Scheduled Tribe. To that effect, he is in possession of a community certificate and the same was duly verified by the Vigilance Committee, which has rendered a finding that the said certificate is a valid one. The petitioner's close relatives are also having valid community certificates that they are belonging to Hindu Kammara Community. Even though all these documents were placed before the third respondent, he has given a negative report.

5. The learned Counsel for the petitioner has also drew the attention of this Court to the various complaints against the third respondent in respect of demand of bribe, which was already brought to the notice of this Court at its Principal Seat in W.P.No.32222 of 2016, decided on 24.10.2016. In the said decision, this Court has passed the following order:

"4. While so, according to the petitioner, he came to know that as against the 3rd respondent, there were lot of complaints alleging that he demands huge sum to give a favourable report and this was also brought to the notice of the Director of Tribal Welfare Department, who conducted enquiry also on 27.04.2016 on the complaints given by the aggrieved individuals. However, there was no action against him. Apprehending that the 3rd respondent will not conduct a fair enquiry and unless he give bribe to the 3rd respondent, he could not get favourable report, the petitioner has come forward with the present writ petition.



5. Learned Government Advocate, while conceding the position that there were complaints against the 3rd respondent and without pursuing much on this aspect, has submitted that he would convey the matter to higher ups and see that some other Officer would be appointed if this Court orders change of Officer.

6. In view of the above, without going into the merits, the respondents 1 and 2 are directed to appoint an appropriate person in the place of 3rd respondent herein and conclude the enquiry as early as possible, without any further delay in accordance with law and after affording sufficient opportunity to the petitioner."

6. Therefore, it is clear that the learned Government Advocate himself has conceded before this Court in W.P.No.32222 of 2016 that as against the third respondent, namely, M.Ravichandran, Deputy Superintendent of Police, SC/ST Vigilance Cell, Salem Region, Salem, there were several complaints and therefore, this Court, without dwelling into the merits of the matter, has passed the aforesaid order.

7. Since the present issue pertains to the negative report issued by the very same third respondent and the petitioner herein has also raised a very same plea, this Court, in order to give a fair chance to the petitioner to establish her case, is inclined to pass the following order:

i) The impugned order dated 30.01.2017 passed by the third respondent is quashed; and

ii) The respondents 1 & 2 are directed to appoint an appropriate person in the place of the third respondent, who shall pass appropriate orders, in accordance with law, after conducting a detailed enquiry and by providing sufficient opportunity to the petitioner, uninfluenced by any of the findings rendered by the third respondent in his proceedings dated 30.01.2017.

8. With the above observations and directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)



1.The Chairman and Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
The State Level Scrutiny Committee,
Fort St.George,
Chennai - 600 009.

2.The Director,
Tribal Welfare Department,
Chepauk, Chennai - 600 005.

+ 1 CC TO Mr.Yogesh Kannadasan, ADVOCATE IN SR No.60318

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10.04.2019

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