



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.17158 of 2018

and

W.M.P. (MD) No.15090 of 2018

P.Raju

... Petitioner

Vs.

1) National Commissioner for Schedule Tribes(HQ),
6th Floor, B-Wing,
Lokyayak Bhavan, Khan Market,
New Delhi 110 003

2) The State of Tamil Nadu
Rep. by its Chief Secretary,
Secretariat, Fort St.George,
Chennai 600 009

3) The Principal Secretary to Government,
Adi Dravidar and tribal Welfare Department,
Fort St.George, Secretariat,
Chennai 600 009

4) The Director of Adi Dravidar Welfare,
Chepauk,
Chennai 600 005

5) The Director,
Tribal Research Centre,
Ooty

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus,

(i) To direct the 3rd respondent to constitute only one committee for verification of the SC/ST community certificates in over all state of Tamil Nadu as according to guidelines issued in para 13(4) of the Kumari Madurai Patil case;



(ii) To direct the 3rd respondent to modify the clause 2 of the G.O.i (2D) No.108 dated 12.09.2007 issued by Secretary Adi Dravidar and Tribal Welfare Department in respect of functions of the District Level Scrutiny Committee and State level Scrutiny Committee in the light of Judgment rendered by Apex Court in Dayaram case;

(iii) To direct the State Level Scrutiny Committee to conduct the enquiry for verification of community certificate of ST members at first instant and any case of doubtful cases, the committee shall refer the cases to the respective vigilance cells for verification as per G.O.(Ms) No.106 dated 15.10.2012 and amended letter dated 11.12.2012;

(iv) To direct the Director Tribal Research Centre, Ooty and 3rd respondent to give special training to the District Superintendent of Police till such training given to the District Vigilance Cells, the 3rd and 4th respondents forbearing to conduct the enquiry in the case of ST members;

(v) Forbearing the respondents to conduct the enquiry of re-verification of cases in which orders have passed by the competent authority in favour of ST members and consequently forbearing the respondents to conduct the enquiry in respect of community certificates issued prior to 11.11.1989 by respective Tahsildar and RDO;

(vi) To direct the respondents to appoint suitable Anthropology/ intimate knowledge person in identifying the tribes, tribal communities as per guidelines issued by Apex Court; and

(vii) To direct the respondents not to conduct the enquiry against the deceased person, with the legal heirs or deceased, VRS employees, persons who are not joined in the government services.

For Petitioner	: Mr.I.Murali For Mr.Isaac Mohanlal, Senior Counsel for L.Murali
For R1	: Mr.R.Vijayarajan
For RR 2 to 5	: Mr.A.K.Baskara Pandian, Special Government Pleader

**O R D E R**

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[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

This Writ Petition filed as a Public Interest Litigation seeking for varied directions and for better appreciation, we extract the prayer sought for in this Writ Petition.

(i) To direct the 3rd respondent to constitute only one committee for verification of the SC/ST community certificates in over all state of Tamil Nadu as according to guidelines issued in para 13(4) of the Kumari Madurai Patil case;

(ii) To direct the 3rd respondent to modify the clause 2 of the G.O.i(2D) No.108 dated 12.09.2007 issued by Secretary Adi Dravidar and Tribal Welfare Department in respect of functions of the District Level Scrutiny Committee and State level Scrutiny Committee in the light of Judgment rendered by Apex Court in Dayaram case;

(iii) To direct the State Level Scrutiny Committee to conduct the enquiry for verification of community certificate of ST members at first instant and any case of doubtful cases, the committee shall refer the cases to the respective vigilance cells for verification as per G.O.(Ms) No.106 dated 15.10.2012 and amended letter dated 11.12.2012;

(iv) To direct the Director Tribal Research Centre, Ooty and 3rd respondent to give special training to the District Superintendent of Police till such training given to the District Vigilance Cells, the 3rd and 4th respondents forbearing to conduct the enquiry in the case of ST members;

(v) Forbearing the respondents to conduct the enquiry of re-verification of cases in which orders have passed by the competent authority in favour of ST members and consequently forbearing the respondents to conduct the enquiry in respect of community certificates issued prior to 11.11.1989 by respective Tahsildar and RDO;

(vii) To direct the respondents to appoint suitable Anthropology/ intimate knowledge person in identifying the tribes, tribal communities as per guidelines issued by Apex Court; and

(viii) To direct the respondents not to conduct the



enquiry against the deceased person, with the legal heirs or deceased, VRS employees, persons who are not joined in the government services.

2. We have heard Mr. Isaac Mohanlal, learned Senior counsel assisted by Mr. Murali, learned counsel for the petitioner and Mr. Baskarapandian, learned Special Government Pleader appearing for the respondents 2 to 5.

3. The petitioner is stated to be a member of the Scheduled Tribes community and he has approached this Court by way of this writ petition stating that there is more to be done in the process of verification, when a claim is made by a person stating that he belongs to the Schedules Caste or Schedules Tribes Community. Thus, the above relief have been sought in this writ petition.

4. It is not disputed by the petitioner that, no doubt, most of the relief sought for by the writ petitioner have been complied with by the Government, as the Government has been amending the procedures for verification of applications and the grant of certificates as 'SC' or 'ST'. Hence, stricter guidelines now have been prescribed.

5. So far as the first prayer is concerned, a Committee has been constituted in accordance with the decision of the Hon'ble Supreme Court in Kumari Madhuri Patil's case. Therefore, the said prayer stands satisfied.

6. Insofar as relief no.2 is concerned, the same also stands satisfied as appropriate District level Scrutiny Committee and State level Scrutiny Committee have been constituted in accordance with the judgment of the Hon'ble Supreme Court.

7. With regard to relief no.3, the learned senior counsel pointed out though G.O.Ms.No.106 dated 15.10.2012 was amended by Government letter dated 11.12.2012, the amendment made was not taken into consideration and straight away, the matter is referred for verification to the State level Scrutiny Committee. We are informed by the learned Special Government Pleader that a Superintendent of Police has been nominated, exclusively for verification and appropriate procedures have been done and several other Government orders have been passed after the amendment of the Government letter dated 11.12.2012.

8. Insofar as relief no.4 is concerned, we direct the Government to look into the grievances expressed and if any fine-tuning is required to the existing guidelines, the same shall be done. With regard to the other prayers are concerned, viz. 5, 6, & 7 the guidelines which are in vogue as on date would cover the grievances expressed by the petitioner.



9. In the light of the above, this writ petition stands disposed of with the above observations. No costs. Consequently, connected W.M.P.(MD) No.15090 of 2018 is closed.

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Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1) National Commissioner for Schedule Tribes(HQ),
6th Floor, B-Wing,
Lokyayak Bhavan, Khan Market,
New Delhi 110 003
- 2) The Chief Secretary,
Secretariat, Fort St.George, Chennai 600 009
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Chennai 600 009
- 4) The Director of Adi Dravidar Welfare,
Chepauk, Chennai 600 005
- 5) The Director,
Tribal Research Centre, Ooty

+1CC TO MR.R.VIJAYARAJAN, Advocate Sr. No. 90832

+1CC TO MR.L.MURALI, Advocate Sr. No. 90633

Order made in

W.P. (MD) No.17158 of 2018

Dated: **30.09.2019**

AVS(CO)

TR(23.10.2019) 5P 8C