

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Writ Petition No.314 of 2020

A.Sethuraman ... Petitioner

Vs

1. The Government of Tamil Nadu
Rep.by Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
2. The State Level Scrutiny Committee
Rep.by its Chairman and Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
3. The Director
Tribal Welfare Department,
Chepauk, Chennai 600 004.
4. The Deputy Superintendent of Police
Social Justice and Human Rights
Schedule Caste and Schedule Tribes Vigilance Wing
O/o.Superintendent of Police
Sathuvacherri, Vellore 632 001. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to complete the enquiry with regard to the genuineness of the Social Status and Verification of the Malayali Community Certificate (Schedule Tribe) bearing No.016981 (R.Dis.2289/99) dated 07.04.1999 of the petitioner issued by the Revenue Divisional Officer, Tirupathur, Vellore District and file the report at the earliest.

For Petitioner : Mr.S.Sathish Rajan

For Respondents: Mr.V.Shanmuga Sundar
Special Government Pleader for R1 to R3

O R D E R

[Order of Court was made by R.SUBBIAH,J]

Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to complete the enquiry with regard to the genuineness of the Social Status and Verification of the Malayali Community Certificate (Schedule Tribe) bearing No.016981 (R.Dis.2289/99) dated 07.04.1999 of the petitioner issued by the Revenue Divisional Officer, Tirupathur, Vellore District and file the report at the earliest.

2. The facts leading to this case in brief are as follows:

The petitioner belongs to Hindu Malayali Community, which is recognised as Scheduled Tribe Community and the Community Certificate bearing No.016981 (R.Dis.2289/99) dated 07.04.1999 was issued by the Revenue Divisional Officer, Thirupathur, Vellore district. The petitioner is a M.Sc., Chemistry (General) graduate and all his educational records reflect his community as Hindu Malayali (ST) Community. Even though the petitioner was selected as Junior Scientific Officer, as early as on 15.12.2017, till date, the verification of the genuineness of his community certificate has not been completed and enquiry report has not been submitted to the Director of Tribal Welfare till date. Even after completion of two years, the petitioner's service has not been regularised and his promotion has been curtailed. Though the fourth respondent herein made a thorough enquiry on petitioner's community, he did not submit the report to the second respondent viz., the State Level Scrutiny Committee. Hence the second respondent is not in a position to pass orders and communicate the same to the Tribal Welfare Department. Under such circumstances, the writ petition is filed.

3. Heard the learned counsel for the petitioner and Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for respondents 1 to 3 and perused the materials on record.

4. Having regard to the submissions made by the learned counsel on either side, fourth respondent herein is directed to submit the enquiry report with regard to the genuineness of the community certificate of the petitioner to the second respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to pass orders and communicate the same to the third respondent within a period of two weeks thereafter.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dpq

To

- 1.The Secretary to Government
Government of Tamil Nadu
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
- 2.The Chairman and Secretary to Government
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
3. The Director
Tribal Welfare Department,
Chepauk, Chennai 600 004.
4. The Deputy Superintendent of Police
Social Justice and Human Rights
Schedule Caste and Schedule Tribes Vigilance Wing
O/o.Superintendent of Police
Sathuvacherri, Vellore 632 001.

+1cc to Mr.S.Sathish Rajan , Advocate SR.No. 3966

+1 cc to Government Pleader Sr.No. 4372

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A.SK(28/02/2020)

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