



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2020

CORAM:

THE HON'BLE MR.A.P.SAHI, THE CHIEF JUSTICE

and

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD) No.1657 of 2019

and

W.M.P. (MD) No.1411 of 2019

R.Prabakar

... Petitioner

-vs-

1.The Secretary

Government of Tamilnadu

Adi Dravidar and Tribal Welfare Department

Secretariat, Chennai-625 009

2.The Chairman / The District Collector

District Legal Security Committee, Madurai

3.The Senior Divisional Personal Officer

Southern Railway, Palaghat

4.The Divisional Personal Officer

Southern Railway

Personal Branch, Salem

5.The Tahsildar

Virudhunagar Taluk

Virudhunagar

6.The Inspector of Police

Soolakkarai Police Station

Virudhunagar

7.The Tahsildar

Madurai South Taluk

Madurai

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the impugned notice dated 14.12.2018 issued by the fourth respondent vide No.SA/P.171/SC/ST Verification/Res/SA, set aside the same and direct the respondents 3 and 4 to accept the social status claim of the petitioner as Kattunayakkan Community like his father, on the basis of the community certificate of the petitioner dated 28.07.1986 issued by the seventh respondent.

For Petitioner : Mr.Babu Rajendran

For Respondents : Mr.V.R.Shanmuganathan

Special Government Pleader for R1, R2, R5 to R7

Mr.S.Manohar for R3 & R4



O R D E R

[Delivered by the Hon'ble CHIEF JUSTICE]

Heard the learned counsel for the petitioner and the learned counsel for the State as well as the learned counsel for the Railways.

2. The issue is with regard to the dispute about the community certificate of the petitioner belonging to Schedule Tribe category as his appointment is under scrutiny by the Railways on a complaint. The genuineness of the certificate has been sent for enquiry by letter, dated 14.12.2018.

3. It is informed by the learned Special Government Pleader appearing for the State that even prior to that a vigilance enquiry has been set up with regard to issuance of community certificate to the petitioner on 16.04.2018. A copy of the said letter has been circulated, which is extracted hereunder:

"ADI DRAVIDAR AND TRIBAL
WELFARE DEPARTMENT
SECRETARIAT, CHENNAI-9.

Letter No.6118/CV-2/2018-1, Dated 16.04.2018

From
Thiru V.Rajendran, M.A.
Deputy Secretary to Government.

To:
The Deputy Superintendent of Police,
Social Justice and Human Rights,
SC/STs-Vigilance Cell
O/o.Superintendent of Police,
Virudhunagar (w.e)

Sir,

Sub : Adi Dravidar and Tribal Welfare Department -
Verification of genuiness of Scheduled Tribe
"Hindu Kattunayakan" Community Certificate
issued to Thiru.R.Prabakar, S/o.Thiru
M.Ramamoorthy, Virudhunagar District -
Regarding.

Ref : From the General Manager, Southern Railway,
Personal Branch, Chennai, Letter No.P(S)/
171/Com.Verfn/S.Rly, dated 28.02.2017.



I am to enclose a copy of reference cited and to state that Thiru.R.Prabakar, S/o.Thiru.M.Ramamoorthy, Virudhunagar obtained Scheduled Tribe "Hindu Kattunayakan" Community certificate from the Tahsildar, Virudhunagar, vide Certificate No.1220846, dated 10.12.1989. Based on the above certificate, he got appointment in Southern Railway as DSL Asst.

2. The General Manager, Southern Railway, Personal Branch, Chennai has requested the State Level Scrutiny Committee to cause verification of genuineness of Scheduled Tribe "Hindu Kattunayakan" Community certificate issued to the above individual.

3. I am therefore, to request you to verify the genuineness of the Scheduled Tribe "Hindu Kattunayakan" community certificate issued to Thiru.R.Prabakar, S/o.Thiru.M.Ramamoorthy, by the Tahsildar, Virudhunagar by making an open inquiry in the presence of the individual and to obtain the following evidences and to send a detailed enquiry report to the Director, Tribal Welfare, Chepauk, Chennai-5, expeditiously.

- i. Extract of Birth Register of the individual and his parents
- ii. Copy of the Elementary/Primary School Admission Register/Record Sheet of the individual and individual's father and mother (if studied in School)
- iii. Secondary School Leaving Certificate of the individual's and his parents copy of S.S.L.C.Book (if studied in School)
- iv. School Transfer Certificate of the individuals and his parents (if studied in School)
- v. Community Certificate issued to the individual by the Revenue authority
- vi. First page of Service Register of the individual's father/mother if employed/retired.
- vii. Community Certificate issued to the individual's father/mother.
- viii. Sale deed if any executed prior to the year 1958 where in community is expressly mentioned.
- ix. Any record/evidence to defend the individual's claim of the community status.
- x. Family tree for proof of blood relationship duly authorized by Revenue authorities and

xi. a spot enquiry report regarding the cultural



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aspects, anthropological traits, deity, rituals, mode of marriage, death ceremonies, method of burial of dead bodies and customs of the individual with the help of an anthropologist.

Yours faithfully

for Deputy Secretary to Government

Copy to

The Director of Tribal Welfare, Chennai-5 (w.e)

The District Collector, Virudhunagar.

The Additional Director General of Police,

Social Justice and Human Rights Wing,

Mylapore, Chennai-4

The General Manager,

Southern Railway,

Headquarters Office, Personal Branch, Chennai-3

Thiru.R.Prabakar, S/o.Thiru.M.Ramamoorthy,

H/330, Ellis Nagar, Housing Board Colony, Madurai."

4. The learned counsel for the petitioner submits that the appropriate forum has not undertaken the exercise. But, the petitioner is prepared to cooperate with any enquiry, so that the matter gets resolved at the earliest.

5. The learned counsel for the Railways submits that the petitioner's brother, on having been found not possessed of the valid certificate, has been dismissed from service.

6. The learned counsel for the petitioner counters this submission by contending that the status of the community of the petitioner has to be gathered even from the previous proceedings relating to his father, where the community certificate has been found to be valid.

7. We are not entering into the allegations and counter allegations as this is a matter of enquiry by the State Level Scrutiny Committee or the vigilance enquiry, which is pending against the petitioner.

8. We, therefore, dispose of the writ petition with liberty to the petitioner to approach the concerned Authority, who is conducting vigilance enquiry as per the letter, dated 16.04.2018, which is extracted herein above, along with the particulars and it shall be open to such Authority to submit it's report to the State Level Scrutiny Committee. The exercise before the Vigilance Officers to be concluded within four weeks from today, with which the petitioner will cooperate. The vigilance enquiry report shall be tendered to the State Level Scrutiny Committee, which shall



proceed to decide the matter within six weeks thereafter.

9. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

krk / sts

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The Secretary, Government of Tamilnadu,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-625 009.
- 2.The Chairman / The District Collector,
District Legal Security Committee, Madurai.
- 3.The Senior Divisional Personal Officer,
Southern Railway, Palaghat.
- 4.The Divisional Personal Officer,
Southern Railway, Personal Branch, Salem.
- 5.The Tahsildar, Virudhunagar Taluk, Virudhunagar.
- 6.The Inspector of Police, Soolakkarai Police Station, Virudhunagar.
- 7.The Tahsildar, Madurai South Taluk, Madurai.

+1 CC to M/s.BABU RAJENDRAN, Advocate (SR-20281[F] dated 16/10/2020)
+1 CC to M/s.S. MANOHAR, Advocate (SR-20408[F] dated 16/10/2020)
+1 CC to M/s.GP (SR-20476[F] dated 16/10/2020)

W.P. (MD) No.1657 of 2019 and
W.M.P. (MD) No.1411 of 2019

15.10.2020

CO (SE)

AP (28.10.2020) 5P 11C

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