



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.7606 OF 2006
AND WPMP NO.1097 OF 2008

B.Jeevanandam

...Petitioner

Vs.

The Deputy General Manager
Canara Bank
Circle Office
No.563/1, Anna Salai,
Teynampet, Chennai - 600 018.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, forbearing the respondent from in any manner suspending, relieving or terminating from his services unless and until a report is received from the appropriate authority to verify the genuineness of the community status of the petitioner.

For Petitioner : Mr.R.Murali

For Respondent : Mr.Gautam S.Raman

O R D E R

This Writ Petition has been filed for a mandamus forbearing the respondent from terminating the services of the petitioner without a report from the appropriate authority to verify the genuineness of the community status.

2.When the matter is taken up for final hearing, it is submitted before this Court that in WP (MD) No.2084 of 2008, the Madurai Bench of this Court has quashed the order passed by the District Collector and Chairman, District Level Vigilance Committee, Dindigul and directed the second respondent therein to place the matter before the State Level Scrutiny Committee for scrutiny of the genuineness of the Community Certificate. The said order came to be passed on 28.08.2009 and 13 years have passed thereafter. The first respondent therein / respondent



herein /employer is not in a position to ascertain as to whether the State Level Scrutiny Committee has passed orders or not.

3.Be that as it may, the petitioner has completed major portion of his service and left with only two years. In view of the judgment of the Hon'ble Supreme Court in KUMARI MADHURI PATIL VS. ADDITIONAL COMMISSIONER, TRIBAL DEVELOPMENT [AIR 1995 SC 94] a decision shall be taken by a Three Member Committee. As long as it has not been done, the proceedings stands vitiated. The State Level Scrutiny Committee also has not passed any orders. Therefore, it shall be presumed that the Community Certificate produced by the petitioner is genuine till it is set aside by the State Level Scrutiny Committee. In such circumstances, the respondent cannot pass an order of termination on the basis of the report of the District Level Vigilance Committee.

4.The writ petition is disposed of with the above observation and a direction that the respondent shall not take any action against the petitioner without getting orders from the appropriate authority. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

To

The Deputy General Manager
Canara Bank
Circle Office
No.563/1, Anna Salai,
Teynampet, Chennai - 600 018.

+1cc to Mr.M.Suresh Kumar, Advocate, S.R.No.32764/21

WP NO.7606 OF 2006

NK(CO)
RGA(03/08/2021)