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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2021

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE T.V. THAMILSELVI

W.P. No. 15560 of 2020

&

W.M.P. No. 19421 of 2020

R. Manimaran

..Petitioner

Vs.

1. The State Level Scrutiny Committee,
rep. by its Chairman,
Addl. Chief Secretary to Govt. Of
Tamil Nadu,
Adi Dravidar & Tribes Welfare Dept.,
Namakkal Kavingar Maaligai,
Secretariat,
Fort St. George, Chennai 600 009.
2. Union of India,
rep. by the Chairman,
Ex Officio Principal Secretary to
Government of India,
Ministry of Railways (Railway Board),
New Delhi.
3. The Chairman,
Union Public Service Commission,
New Delhi.
4. The General Manager,
Southern Railway,
Park Town, Chennai - 600 003.
5. The Collector,
Trichy District, Trichy 620 001.
6. The Revenue Divisional Officer,
Trichy Revenue Division, Trichy 620 001.



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7. The Assistant Commissioner,
Dist. Vigilance Cell,
O/o the Anti Land Grabbing and
Social Justice and Human Rights
Wing (i/c), Cantonment,
Trichy District - 620 001.

8. J. Nagesh

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 7th respondents to complete the enquiry on the community status of the 8th respondent and the genuine character of the community certificate dated 12.05.1989 and file its report as informed by the 1st respondent in its letter reference Letter No. 5679/CVII/2017-9 dated 25.02.2020 by following the principles of natural justice by giving proper opportunity to the petitioner.

For Petitioner	::	Mr.P.R. Krishnaraj
For Respondents	::	Mr.M. Elumalai, Addl. Govt. Pleader for R1, R5 to R7 Mr.P.T. Ramkumar for R2 to R4 Mr.L. Chandrakumar for R8

O R D E R

(Order of the Court was made by N.KIRUBAKARAN,J.)

The petitioner has come before this Court seeking Writ of Mandamus directing the 1st and 7th respondents to complete the enquiry on the community status of the 8th respondent and the genuine character of the community certificate dated 12.05.1989.

2. According to the petitioner, the petitioner is working in Southern Railway and he has raised a dispute with regard to the community status of the 8th respondent as Scheduled Tribe, namely, " Kattu Nayakkan" community. According to him, the 8th respondent produced a bogus certificate stating that he belongs to "Kattu Nayakkan" community which is a Scheduled Tribe and availed ST quota employment. According to the petitioner, the 8th respondent belongs to "Hindu (Kavara) Naidu" community and he falsely got Scheduled Tribe certificate and entered the services of Southern Railway. In this regard, the petitioner had given a complaint as early as on 1981 questioning the community status of the 8th respondent.

3. The 8th respondent filed a suit before the District



Munsif Court in O.S. NO. 656/2000 before the II Additional District Munsif, Trichy, seeking issuance of permanent ST certificate and the said suit was dismissed on 12.07.2007. In response to the 2nd respondent's advice dated 24.06.2008, 24.05.2010 and 08.06.2010, the 8th respondent submitted another community certificate dated 12.05.1989 issued by Revenue Divisional Officer, Trichy. There are many proceedings pending in this regard. However, there is an enquiry with regard to the genuineness of the community certificate dated 12.05.1989 produced by the 8th respondent before the 7th respondent.

4. Eventhough the writ petition has been filed for a direction to the 1st and 7th respondents to complete the enquiry on the community status of the 8th respondent and the genuine character of the community certificate dated 12.05.1989, it is stated by the learned Additional Government Pleader that the 7th respondent had already conducted enquiry and submitted his report on 12.01.2021 to the 1st respondent. Based on the report of the 7th respondent, the 1st respondent had already issued notice to the parties to appear before him on 28.05.2021.

5. In view of the above submission made by the learned Additional Government Pleader, the 1st respondent is directed to hear all the parties and pass appropriate orders within 12 weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

NV

To

1. The Chairman,
The State Level Scrutiny Committee,
Addl. Chief Secretary to Govt. Of
Tamil Nadu,
Adi Dravidar & Tribes Welfare Dept.,
Namakkal Kavingar Maaligai,
Secretariat,
Fort St. George, Chennai 600 009.
2. The Chairman, Union of India,
Ex Officio Principal Secretary to



Government of India,
Ministry of Railways (Railway Board),
New Delhi.

3. The Chairman,
Union Public Service Commission,
New Delhi.
4. The General Manager,
Southern Railway,
Park Town, Chennai - 600 003.
5. The Collector,
Trichy District, Trichy 620 001.
6. The Revenue Divisional Officer,
Trichy Revenue Division,
Trichy 620 001.
7. The Assistant Commissioner,
Dist. Vigilance Cell,
O/o the Anti Land Grabbing and
Social Justice and Human Rights
Wing (i/c), Cantonment,
Trichy District - 620 001.

+1cc to M/S. P.R. KRISHNARAJ, Advocate, SR.No. 26100
+1cc to Mr. L. CHANDRAKUMAR , Advocate, SR.No.25904

W.P. No. 15560 of 2020

CP(CO)
BE(14/07/2021)



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