

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2021

CORAM

THE HONOURABLE MR. JUSTICE N. KIRUBAKARAN

AND

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 18994 of 2020
&
W.M.P. No. 23552 of 2020

V. Prabhakaran ..Petitioner

Vs.

1. The Member (TNFUSRC),
Tamil Nadu Forest Uniformed Services
Recruitment Board,
8th Down Floor, No. 01, Jeenis road,
Panagal Maaligai,
Saidapet, Chennai 600015.
2. State Level Scrutiny Committee,
rep. by the Chairman and Principal
Secretary to Government,
Adi Dravidar and Tribal Welfare
(CV 3) Department,
Secretariat, Chennai 600 009.
3. The Deputy Superintendent of Police,
Social Justice & Human Rights Wing &
SC/ST Vigilance Cell,
Dharmapuri.
4. The Revenue Divisional Officer,
Dharmapuri.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st respondent to permit the petitioner (Registration No.20020055369) to participate in the Certificate Verification/Physical Standards Verification/Endurance Test scheduled to be conducted by the 1st respondent from 05.12.2020 for the post of Forest Guard reserved for Scheduled Tribes (ST-

PSTM) without production of ST community certificate.

For Petitioner :: Mr.M. Radhakrishnan

For Respondents :: Mr.P. Balathandayutham,
State Government Counsel

O R D E R

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

The petitioner has come before this Court seeking issue of a Writ of Mandamus directing the 1st respondent to permit the petitioner to participate in the certificate verification and other tests to be conducted by the 1st respondent for the post of Forest Guard reserved for Scheduled Tribes without production of Scheduled Tribe community certificate.

2. The case of the petitioner is that he belongs to Hindu Kurumans community, which is classified as Scheduled Tribe. In W.P. No. 14811 of 2016 filed by the petitioner's father, by name, Vadivel, the State Level Scrutiny Committee was directed to hold an enquiry regarding the community status of the petitioner's father and send a report for further action. The 3rd respondent is said to have completed the enquiry as regards the community status of the petitioner's father and sent a report to the 2nd respondent on 28.12.2017 and on detailed enquiry, according to the petitioner, the 3rd respondent is said to have concluded that the petitioner's father belongs to Hindu Kurumans community, which is a Scheduled Tribe. However, no direction, so far, has been issued by the 2nd respondent.

3. In the meanwhile, the petitioner applied for the post of Forest Guard as against the vacancy reserved for Scheduled Tribe. He appeared for the written test on 08.03.2020 and he was provisionally selected for the post of Forest Guard as against ST quota. Pursuant to the provisional selection, the petitioner was required to appear for certificate verification on 05.12.2020 and produce community certificate that he belongs to Hindu Kurumans community before the 1st respondent. Eventhough the petitioner participated in certificate verification, he could not be selected as another ST candidate, who had performed well, had been selected. In any event, the community status of the petitioner's father should be decided by the 2nd respondent.

3. Heard Mr.M. Radhakrishnan, learned counsel for the petitioner and Mr.P. Balathandayutham, learned State Government Counsel for the respondents.

4. Learned State Government Counsel appearing for the respondents would submit that within 2 months, the 2nd respondent would pass appropriate orders regarding the community status of the petitioner's father.

5. In view of the above submission made by the learned State Government Counsel for the respondents, the 2nd respondent is directed to pass orders, after giving an opportunity to the petitioner's father within two months from the date of receipt of a copy of this order.

6. The writ petition is disposed of with the above direction. No costs. Connected W.M.P. is closed.

7. Post on 02.09.2021 either for producing the decision taken by the 2nd respondent or for appearance of the respondents.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

nv

To

1. The Member (TNFUSRC),
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2. State Level Scrutiny Committee,
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3. The Deputy Superintendent of Police,
Social Justice & Human Rights Wing &
SC/ST Vigilance Cell,
Dharmapuri.

4. The Revenue Divisional Officer,
Dharmapuri.

Copy to
The section officer,
Writ section,
High Court , Madras 104
(For reporting compliance on 02/09/2021)

+1cc to Mr.M.RADHAKRISHNAN, Advocate, S.R.No. 29516
+1cc to Mr.GOVt pleader , S.R.No. 29376

W.P. No. 18994 of 2020

GPL (CO)
PAN (12/07/2021)



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