



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.21625 of 2021 and
W.M.P.Nos.22813 and 22814 of 2021

V.Sridharan

...Petitioner

Vs.

1.The State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai - 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.

3.UCO Bank,
rep. by its Zonal Manager,
Zonal Officer,
169, Thambu Chetty Street,
Chennai - 600 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records of the first respondent's impugned proceedings No.18454/CV-6/2008 dated 19.08.2021 and quash the same.

For petitioner : Mr.V.Manisekaran

For respondents: Mr.T.N.C.Kaushik
Govt. Counsel (for R1 and R2)



ORDER

(The Order of the Court was made by V.SIVAGNANAM ,J)

Challenging the proceedings No.18454/CV-6/2008 dated 19.08.2021 issued by the first respondent/State Level Scrutiny Committee, the present writ petition has been filed.

2.According to the petitioner, he belongs to Konda Reddy Community, which is classified as a Schedule Tribe Community and he is a native of Pudupatti Village, Namakkal District. After completion of his education, he came to Chennai searching for Job. At that point of time, he was residing at Kaladipet, Chengalput District. He was issued Hindu Konda Reddy Community Certificate on 20.06.1980 in the prescribed format by the Tahsildar, Saidapet, Chengalput District. At that point of time, there was no restriction to get Community Certificate from one District to another District. Subsequently, the petitioner was issued another Community Certificate in the prescribed format by the same Taluk Office on 18.03.1982, after due enquiry. Thereafter, he got selected in UCO Bank as a 'Clerk' on 01.07.1982 under reserved quota for Schedule Tribe and his Community Certificate was referred to the District Collector, Chennai for verification in 1999 on a request made by the third respondent. On the basis of the request made by the Schedule Caste Association, an enquiry was fixed. As per the advice of the Bank Service Recruitment Board (BSRB), the petitioner obtained a fresh Community Certificate from the Tahsildar, Saidapet, Chengalput District, now Chennai District in the prescribed format. After completion of his service, the petitioner retired from the service on 30.09.2015. The original Community Certificates dated 20.06.1980 and 18.03.1982 were retained by the third respondent and the Community Certificate dated 18.03.1982 is under question in the present writ petition.

3.The learned counsel appearing for the petitioner Mr.V.Manisekaran submitted that after appointment, the third respondent directed the petitioner to produce a fresh Community Certificate. Hence, the petitioner approached the Tahsildar and got the fresh Community Certificate, on the basis of his earlier Community Certificate. After few years, based on the representation of the Schedule Caste Association, the third respondent had referred his Community Certificate to the District Collector, Chennai for verification. Hence, the petitioner filed W.P.No.10079 of 2003 before this Court seeking not to conduct verification of his social status. The said writ petition was allowed on 02.07.2005. Since the District



Collector has no power to conduct enquiry, again, the petitioner was forced to challenge the order in W.P.No.18820 of 2007. This Court, vide order dated 01.04.2008, set aside the said order dated 10.05.2007 and directed the first respondent/committee to consider the genuineness of the Community Certificates. The first respondent had received the records from the District Level Vigilance Committee on 05.06.2008. Thereafter, there was no correspondence from the first respondent for verification of Community Certificate.

4.The further case of the petitioner is that after a lapse of 12 years from the date of order passed by this Court in W.P.No.18820 of 2007 dated 01.04.2008, the first respondent Committee had conducted the enquiry with the petitioner through the Deputy Superintendent of Police, Vigilance Cell in July 2021. Initially, the petitioner had appeared for the enquiry and submitted the relevant documents to prove his social status. Due to his old age ailments and severe surge of Covid-19, he could not attend the further enquiry, however, he communicated his illness to the said Deputy Superintendent of Police, but it was not considered for some reason. Earlier, after long delay, the first respondent has directed the Deputy Superintendent of Police, Vigilance Cell and the Director of Tribal Welfare Department to conduct enquiry once again by its letter dated 19.01.2017 and in pursuant to that, the petitioner was asked to appear for enquiry on 22.01.2019. Since the first respondent has already completed the enquiry with the petitioner in 2015, he thought that there is no further enquiry, however, he replied it on 20.11.2020. The said Deputy Superintendent of Police, after completing the enquiry, has forwarded the enquiry report, vide proceedings dated 28.06.2021 and 12.07.2021. The first respondent, without furnishing the said report, has cancelled the petitioner's community certificate, by the impugned order dated 19.08.2021. Challenging the same, the present writ petition is filed.

5.The learned counsel appearing for the petitioner further submitted that at the out set, the proceedings of the first respondent do not disclose any valid reason for rejecting the claim of the petitioner's Community Certificate. The first respondent failed to consider the fact that the Community Certificates issued by the then Tashildars are issued only after thorough scrutiny and spot enquiry made by the Revenue Officials, which are valid and are having full legal force. He further submitted that admittedly, the petitioner joined the service in the year 1982 and the respondents were compelling him to furnish Certificates of the petitioner's parents and property



documents of the year before 1950, after nearly, more than, 4 decades and the same is highly arbitrary and unsustainable. He further submitted that the first respondent admitted in his proceedings that the Community Certificate was issued by Tahsildar, Saidapet to the petitioner and hence, it need not be questioned by the first respondent after 40 years without any valid evidence. The participation of 2nd Member below the rank of Director of Tribal welfare in the State Level Scrutiny Committee is illegal, unconstitutional and principle of natural justice.

6.The learned counsel for the petitioner further submitted that because of the impugned order, the petitioner is very much put to loss and hardship and his family depends upon his provisional pension. Because of the impugned order, the retirement benefits/terminal benefits of the petitioner had been withheld by the third respondent. Therefore, the petitioner prays for quashing the impugned order.

7.The learned Additional Government Pleader appearing for the respondents Mr.T.N.C.Kaushik contended that the State Level Scrutiny Committee after verifying all the records furnished by the Department and conducting enquiry and in consideration of the District Level Vigilance Committee's report, found that the Community Certificate is not genuine one. Besides, the writ petitioner did not participate in the enquiry after giving sufficient opportunities. Under these circumstances, there is no merit in the writ petition, thus, pleaded to dismiss the writ petition.

8.We have considered the rival submissions of both the counsels and perused the materials available on record.

9.It is seen that the petitioner applied for issuance of Konda Reddy Community Certificate (Schedule Tribe). The petitioner was issued with Community Certificate initially on 20.06.1980 and thereafter, also 18.03.1982 after due enquiry. The petitioner got selected as a clerk in the third respondent Bank. He retired from service on 30.09.2015. While in service, the third respondent had referred the Community Certificate to the District Collector for verification. Thereafter, the petitioner filed writ petitions before this Court as discussed supra. Though the first respondent had received the records from the District Level Vigilance Committee on 05.06.2008, according to the petitioner, there was no correspondence from the petitioner in regard to the verification of the Community Certificate. Suddenly after 12 years, the petitioner was directed to appear for enquiry by the Deputy Superintendent of



Police, Vigilance Cell in 2021. But due to surge of Covid -19 and his old age ailment, the petitioner could not attend the enquiry. Earlier, enquiry was again directed to be conducted and the petitioner appeared for the enquiry. After completing enquiry, the enquiry report was forwarded on 28.06.2021 by the Deputy Superintendent of Police. It is the grievance of the petitioner that the first respondent did not furnish the enquiry report to the petitioner in spite of which the Community Certificate of the petitioner was cancelled on 19.08.2021.

10.It is seen that the Committee concerned has given a fair and reasonable opportunity to the petitioner in the enquiry. The first respondent has evaluated the Community Certificate earlier issued to the petitioner and passed a speaking order cancelling the Community Certificate of the petitioner. It is clear that before ever cancellation of the Community Certificate, the petitioner was issued with due notice for enquiry. The petitioner's attempt is only to revive a stale or deadline as has been held by the Honourable Supreme Court in the case of C.Jacob vs. Director of Geology and Mining and another, reported in 2008 AIR SCW 7233.

11.For the reasons stated above, we are of the view that the prayer sought for by the petitioner in this writ petition cannot be countenanced. Hence, the impugned order is sustainable. Accordingly, the writ petition sans merit and the same is dismissed. No costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

skn

To

1.The State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai - 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.



3.The Zonal Manager,
UCO Bank,
Zonal Officer,
169, Thambu Chetty Street,
Chennai - 600 001.

+1cc to Mr.V.Manisekaran, Advocate Sr.52654

W.P.No.21625 of 2021
and
W.M.P.Nos.22813 and 22814 of 2021

um[co]
srg 27/01/2022