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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.NO.23513 OF 2021
AND
W.M.P.NO.24744 OF 2021

K.Srimathi

...Petitioner

Vs.

1.The Chairman
State Level Scrutiny Committee
and the Principal Secretary
Adi Dravidar and Tribal Welfare Department
Secretariat,
Chennai 600 009.

2.The Deputy Superintendent of Police
SC/ST Vigilance Cell
Salem Region
District Collectorate
Salem 636 001.

3.The Revenue Divisional Officer
Dharmapuri.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records in the order bearing C.No.36/DSP/SC/ST Vigilance Cell/Salem Region/2021 dated 5.10.2021 passed by respondent No.2 and quashing the same and forbearing respondents 1 and 2 from verifying the community certificate dated 23.08.2017 issued to the Petitioner in any manner whatsoever.

For Petitioner : Mr.M. Radhakrishnan

For Respondents : Mr.K.V. Sajeev Kumar
(for R1 to R3)
Government Counsel



O R D E R

(Order of this Court was made by S. VAIDYANATHAN., J)

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The Writ Petition has been filed challenging the intimation given to the Petitioner on 05.10.2021, asking him to appear for enquiry along with necessary documents.

2. Mr.K.V.Sajeev Kumar, learned Government Counsel takes notice for the Respondents.

3. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

4. The case of the Petitioner is that he was issued Community Certificate dated 23.08.2017, after a thorough inquiry and pursuant to an order passed by this Court dated 29.07.2015 in W.P.No.22505 of 2015. Thereafter, the Second Respondent at the instance of the First Respondent vide order dated 05.10.2021 directed the Petitioner to appear for an inquiry on 16.10.2021 with regard to the Community Certificate. Challenging the said order, the present Writ Petition has been filed.

5. The learned counsel appearing for the Petitioner submitted that in view of the Judgment of the Hon'ble Apex Court in the case of Dayaram Vs. Sudhir Batham reported in 2012 1 SCC 333, Community Certificate already issued cannot be interfered with, when the same was issued after proper enquiry and in this case the Community certificate was issued by the Third Respondent after due enquiry, pursuant to the orders of this Court in W.P.No.22505 of 2015 dated 29.07.2015 and therefore the Respondents cannot unnecessarily harass the petitioner to attend for enquiry. He further submitted that the State Level Scrutiny Committee ought not to have directed the Second Respondent to verify the genuineness of the Community Certificate for the second time and hence the enquiry called for vide order dated 05.10.2021 is bad in the eye of law.

6. The learned Government Counsel who took notice for the Respondents submitted that once the community certificate is issued, it is the duty of the person concerned to send the certificate for verification to ascertain the genuineness of the same and in this case based on the instruction given by the First Respondent dated 25.08.2021, the Second Respondent has intimated the Petitioner to appear for enquiry.

7. Considering the facts and circumstances of the case and also considering the submissions made, we are of the view that



there is no hard and fast rule to prevent the authorities from enquiring into the matter with regard to the issuance of the community certificate.

8. A perusal of the community Certificate would go to show that there is an endorsement in the community certificate, which reads as under:

"Issued as per the direction of the
H.C./Mas in contempt pet. No.1424/2016
in W.P.No.22505/15. Referred this
certificate for SLSC for Genuineness of
the community vide this
office.procds.No.8479/2015/A4
DT.23/8/2017"

9. A glance at the aforesaid endorsement reveals that in order to avoid contempt of Court, the certificate has been issued with such an endorsement. After issuance of community certificate, that too based on the contempt petition, it cannot be said that it will preclude the authorities to ascertain its genuineness. Hence we direct the Petitioner to co-operate for enquiry and produce the available records with her. Further, we are of the view that the reserved community shall get the benefits for which the community certificate shall be issued and their benefits shall not be deprived based on the fake certificate issued to other persons. If the petitioner obtained the Community Certificate, after due enquiry, the same shall be produced before the Revenue Divisional Officer, who is expected to produce the file before the authority concerned, during the enquiry.

10. After verification of the relevant records, the First Respondent shall take decision, after affording an opportunity to the petitioner, within a period of three months from the date of receipt of a copy of this order.

11. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Chairman
State Level Scrutiny Committee
and the Principal Secretary
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.

2.The Deputy Superintendent of Police
SC/ST Vigilance Cell
Salem Region
District Collectorate
Salem 636 001.

3.The Revenue Divisional Officer
Dharmapuri.

+1cc to Mr.M.Radhakrishnan, Advocate SR.No.57013

+1cc to the Government Pleader Sr.No.57678

W.P.No.23513 of 2021

SVI (CO)
RVM(24/01/2022)