



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.02.2022

CORAM

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

W.P.No.1932 of 2022

1.Union of India
Rep.by the General Manager
Southern Railway
Chennai - 600 003.

2.The Principal Chief Personnel Officer
Head Quarters Office
Personnel Branch, Southern Railway
Chennai - 600 003.

3.The Dy. Chief Personnel Officer/Gazetted
Head Quarters Office
Personnel Branch, Southern Railway
Chennai - 600 003.

... Petitioners

-vs-

1.C.Nagarajan
2.The Tamil Nadu State Level Scrutiny Committee
Rep.by its Chairman
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai - 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the 2nd respondent to remit the matter back to the Tamil Nadu State Level Scrutiny Committee, earlier order dated 30.07.2009 for fresh consideration with direction to issue notice to the Railways and the 1st respondent and consider all the materials, including the certificates of VAO, Kadirampatti Village, Tirupattur Taluk, Vellore District as well as the Headmaster, Panchayat Union Primary School of Kathirampatti in which it has been stated that the brothers and their children of the 1st respondent, Shri C.Nagarajan belong to 'Kurumban' community, and arrive at an independent decision with regard to the community status claimed by the 1st respondent within a time frame.



WEB COPY

For petitioners : Mr.M.T.Arunan
Standing Counsel

For respondents : Mr.K.V.Sajeev Kumar
Special Government Pleader for R2

ORDER

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

Heard, Mr.M.T.Arunan, learned Standing Counsel appearing for the petitioners and Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the 2nd respondent.

2.This writ petition has been filed, disputing the caste certificate of the 1st respondent-C.Nagarajan.

3.The learned counsel for the petitioners submitted that the 1st respondent was selected by Railway Recruitment Board, Chennai, against the existing vacancy reserved for the category of Scheduled Tribe (Kurumans) and appointed as Pharmacist Grade III on 06.09.1989. The General Secretary, South Zone of South Indian Telugu SC/ST Railway Employees Welfare Association, alleged that the 1st respondent did not belong to the ST community, vide its letter dated 11.08.2006. In pursuance to that, the Chief Vigilance Officer(CVO) forwarded the said complaint to the Chief Personnel Officer, Southern Railway, by letter dated 06.09.2006, for taking necessary action. Thereafter, the same was forwarded to the District Collector, Chennai, by reference letter No.P(S)535/VIII/Misc./Tech. Dated 21.12.2006 and sought for genuineness of the community certificate dated 05.05.1989 produced by the 1st respondent, who in turn again forwarded the same to the State Level Scrutiny Committee and the Secretary to Government, Adi-Dravidar Tribal and Welfare Department, Chennai, for verification and genuineness of the community certificate.

4.Thereafter, the State Level Scrutiny Committee got the report of Anthropologist with regard to the genuineness of the community certificate and it has been confirmed vide letter No.2310/CV-II/2008 dated 30.07.2009.

5.However, in the meantime, on receipt of a complaint dated 08.03.2007, the Central Bureau of Investigation, Anti-corruption Branch, Chennai, investigated the same issue and concluded that the 1st respondent belongs to 'Kurumban' community and it has been categorized as 'Most Backward Community', by its letter dated 28.11.2007.



6. Now, it is disputed that the State Level Scrutiny Committee without giving notice to the employer of the 1st respondent, i.e., the Southern Railways, decided the genuineness of the community certificate. Therefore, sought the relief of writ of mandamus, with a direction to remit the matter back to the Tamil Nadu State Level Scrutiny Committee for fresh consideration, after issuing notice to the employer of the 1st respondent.

7. We have heard the matter in the light of the grounds raised in the writ petition and considered the submissions of the learned counsel for the petitioners.

8. Perusal of material records indicates that the 1st respondent-Nagarajan was selected by Railway Recruitment Board, Chennai and appointed as Pharmacist Grade III. The said post was allotted to him under ST (Kurumans) quota. To that effect, he submitted a community certificate issued by the Tahsildar, Purasawalkam, Perambur on 05.05.1989. On further perusal of the records it reveals that the Secretary, South Zone of South Indian Telugu SC/ST Railway Employees Welfare Association, sent a complaint dated 11.08.2006 questioning the genuineness of the community of the 1st respondent. Though the State Level Scrutiny Committee has found that the ST community certificate issued to the 1st respondent is genuine one, on the other hand, the Central Bureau of Investigation, Anti-corruption Branch, Chennai, stated that the 1st respondent belongs to 'Kurumban' community, which comes under the category of 'Most Backward Community'.

9. The State Level Scrutiny Committee is a creature of the Judgment of the Hon'ble Supreme Court in the case of Kumari Madhuri Patila and Another Vs. Additional Commissioner reported in 1994 (6) SCC 241. Directions for verification and passing of appropriate orders to the Scrutiny Committee was given in the decision cited supra. Therefore, non issuance of notice to the Department, i.e., the employer will not in any way prejudice the Department, with the finding of the Scrutiny Committee on fact.

10. Therefore, we find no merit in this writ petition and liable to be dismissed.

11. Accordingly this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar



Jer

To

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

+1cc to Mr.M.T.Arunan, Advocate SR.No.6707
+1cc to the Government Pleader SR.No.7345

W.P.No.1932 of 2022

PA (CO)
GN (24/02/2022)