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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2022

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.17402 of 2004
and
W.P.M.P.No.20669 of 2004

A.Akilandeswari ... Petitioner

Vs.

1. The District Collector,
Erode, Erode District.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The District Adi Dravidar & SC/ST Welfare Officer,
Erode, Erode District.
4. The Tahsildhar,
Erode, Erode District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in and by its proceedings in Na.Ka.No.10852/2003/A3 dated 22.01.2004, quash the same and consequently direct the 2nd respondent to return the community certificate received from the petitioner.

For Petitioner : Mrs.P.T.Ramadevi

For Respondents : Mr.A.Selvendran,
Special Government Pleader

O R D E R

The subject matter of challenge in this writ petition pertains to the proceedings of the 2nd respondent dated 22.01.2004, wherein the community certificate that stood in the name of the petitioner as belonging to the scheduled caste community, was cancelled.

2. The case of the petitioner is that she belong to Valluvan caste which falls under the scheduled caste community.



Further case of the petitioner is that the status of the community as scheduled caste has been enjoyed right from the period of her forefathers and she has all the relevant documents to establish that she belongs to the scheduled caste community.

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3. The grievance of the petitioner is that a complaint seems to have been given as if the community of the petitioner falls under forward caste and based on the same, the 2nd respondent proceeded to cancel the community certificate issued to the petitioner even without issuing notice. Aggrieved by the same, the present writ petition has been filed before this Court.

4. Heard Mrs.P.T.Ramadevi, learned counsel for the petitioner and Mr.A.Selvendran, learned Special Government Pleader for the respondents.

5. In the considered view of this Court, the impugned order passed by the 2nd respondent requires interference of this Court, mainly on two grounds, first ground is that the order passed by the 2nd respondent is without jurisdiction and the second ground is that the order was passed without affording any opportunity to the petitioner and hence it suffers from violation of principles of natural Justice.

6. The Hon'ble Supreme Court in General Manager, Indian Bank Vs. R.Rani and another reported in 2008 (1) MLJ 125 has categorically held that where the community certificate is cancelled by an incompetent Authority or a Committee as prescribed in Kumari Madhuri Patil's case, such cancellation of community certificate is not valid in the eye of law. The Hon'ble Supreme Court took into consideration the fact that the guidelines given in Kumari Madhuri Patil case was reiterated in several judgments and it has become a binding precedent.

7. The Government of Tamil Nadu through G.O.Ms.No.38, dated 12.05.2017 has followed the judgment of the Hon'ble Supreme Court and in compliance of the same, amended the earlier G.O.Ms.No.106 dated 15.10.2012 and insofar as the scheduled caste community is concerned, the jurisdiction to conduct an enquiry and cancel the certificate is now been vested with the District level Vigilance Committee.

8. As a result of the above discussion, this Court absolutely has no hesitation to interfere with the impugned order passed by the 2nd respondent and the same is hereby set aside. If really there is any doubt regarding the status of the petitioner, necessary action can be taken as per the Government Order referred supra after affording sufficient opportunity to the petitioner.



9. This writ petition is accordingly allowed in the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dsa

To

1. The District Collector,
Erode, Erode District.
2. The Revenue Divisional Officer,
Erode, Erode District.
3. The District Adi Dravidar & SC/ST Welfare Officer,
Erode, Erode District.
4. The Tahsildhar,
Erode, Erode District.

+1cc to Mrs.P.T.Ramadevi, Advocate, S.R.No.33492

+1cc to the Government Pleader, S.R.No.33607

W.P.No.17402 of 2004

KV (CO)
UMA (21/06/2022)