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W.P.No.6796 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.6796 of 2021
and
W.M.P.Nos.7354 and 7357 of 2021

All India Scheduled Castes/ Scheduled Tribes/ Buddhists
LIC Employees Welfare Association, South Zone,
LIC India, Rep by its General Secretary E.Anbuselvam,
Having Office at No.153, Anna Salai,
LIC of India, Zonal Office, 7th Floor,
LIC Building, Anna Salai,
Chennai – 600 002.

...Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee,
Rep by its Chairman Adi Dravidar
& Tribal Welfare Department,
Secretariat, Chennai.

2.Life Insurance Corporation of India (LIC),
Rep by its Sr Divisional Manager,
Divisional Office – 1, LIC Building,
8th Floor, Anna Salai, Chennai – 600 002.

3.K.Lalitha Kumari, Assistant,
LIC of India, Branch Office, Tambaram.

...Respondents



W.P.No.6796 of 2021

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, calling for the records of the 1st respondent under proceedings No.27053/CV-4(1)/2007-17 dated 05.02.2020 and to quash the same.

For Petitioner : Mr.J.Srinivasa Mohan
for TVJ Associates

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by
Mrs.C.Sangamithirai,
Special Government Pleader for R1

Mr.R.S.Anandan for R2

Mr.S.Doraisamy for R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

Challenge in the writ petition at the instance of the petitioner, which claims to be an Association taking care of the welfare of the Scheduled Castes/ Scheduled Tribes/ Buddhists Employees of LIC, is to the order of the State Level Scrutiny Committee dated 05.02.2020 concluding that the Community certificate issued to the 3rd respondent is genuine.



W.P.No.6796 of 2021

WEB COPY

2. The 3rd respondent joined the service of the 2nd respondent viz., Life Insurance Corporation of India on 16.04.1986 as Assistant having been selected in the vacancy reserved for Scheduled Tribes, on the strength of the community certificate issued by the Tahsildar, Thiruthani on 10.01.1983. Since certain complaints were made to the employer by the petitioner herein, claiming that the certificate produced by the 3rd respondent is not genuine and the 3rd respondent does not belong to the Scheduled Tribe community Konda Reddy, the employer sought for verification of the certificate. Upon verification the State Level Scrutiny Committee concluded that the certificate is genuine. It is this conclusion of the Committee which is under challenge at the instance of the petitioner Association.

3. We do not think that such a challenge by the Association of persons can be entertained in a matter relating to the genuineness of the community certificate. The only person who can be aggrieved by cancellation is the person in whose favour the certificate was issued. Once the certificate is upheld, even the employer has been held to be a person



W.P.No.6796 of 2021

who cannot be deemed to be aggrieved by such conclusion. That being so, we are unable to fathom any interest of the petitioner that would be affected because of the conclusion of the State Level Scrutiny Committee.

4. Mr.J.Srinivasa Mohan, learned counsel appearing for the petitioner would vehemently contend that since the verification was itself done at the instance of the Association and out of 60 certificates that were verified, 30 were found to be not genuine by the State Level Scrutiny Committee, the Association is interested person and its challenge should be entertained. He would also rely upon the judgment of the Hon'ble Supreme Court in ***Ayaaubkhan Noorkhan Pathan Vs. The State of Maharashtra & Others*** made in ***Civil Appeal No.7728 of 2012*** dated ***08.11.2012***, wherein, the Hon'ble Supreme Court pointed out that in exceptional cases third person can be allowed to invoke the writ jurisdiction of the High Courts. Particular reliance is placed on paragraph 22 of the said judgment which reads as follows:-

22. Thus, from the above it is evident that under ordinary circumstances, a third person, having no concern with the case at hand, cannot claim to have



W.P.No.6796 of 2021

any locus-standi to raise any grievance whatsoever. However, in the exceptional circumstances as referred to above, if the actual persons aggrieved, because of ignorance, illiteracy, inarticulation or poverty, are unable to approach the court, and a person, who has no personal agenda, or object, in relation to which, he can grind his own axe, approaches the court, then the court may examine the issue and in exceptional circumstances, even if his bonafides are doubted, but the issue raised by him, in the opinion of the court, requires consideration, the court may proceed suo-motu, in such respect.

5. No doubt, it is open this Court to exercise *suo-motu* jurisdiction in exceptional cases, where it is brought to the notice that a wrong has been committed. The Hon'ble Supreme Court itself has pointed out that it can be done only in exceptional cases. The verification of the community certificate is a process undertaken by the State Level Scrutiny Committee as per the directions of the Hon'ble Supreme Court in ***Kumari Madhuri Patil Vs. Additional Commissioner*** reported in ***1994 (6) SCC 241***. Even in the said judgment the Hon'ble Supreme Court has held that once the District



W.P.No.6796 of 2021

Level Vigilance Cell verifies the certificate and files a report concluding that the certificate is genuine, the State Level Scrutiny Committee itself cannot enter upon further enquiry. This has been made clear in ***Dayaram Vs. Sudhir Batham and others*** reported in ***2011 (6) CTC 192*** by the Hon'ble Supreme Court and ***G.Venkadasamy and another Vs. The Chairman, State Level Scrutiny Committee*** reported in ***2016 (1) MLJ 606*** by this Court.

6. In ***G.Venkadasamy and another*** case cited *supra*, a Division Bench of this Court has laid down that once the genuineness of the certificate is upheld by the District Level Vigilance Cell, the State Level Scrutiny Committee cannot enter upon further enquiry and it has to stop there. Therefore, once the State Level Scrutiny Committee concludes that the certificate is genuine, we do not think it could be open to challenge, that too by an Association which claims to be protecting the welfare of the Scheduled Castes/ Scheduled Tribes/ Buddhists employees.



W.P.No.6796 of 2021

7. May be, the petitioner Association had taken initiative to verify the certificate of the employees, that by itself will not cloth it with *locus-standi* to challenge the result of such employees. Hence, we conclude that the writ petition at the instance of the petitioner is not maintainable. Since we had concluded that the writ petition itself is not maintainable, we refrain from entering upon the merits of the controversy.

8. The writ petition therefore fails and it is accordingly **dismissed**.
No costs. Consequently, the connected writ miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
02.11.2022

dsa

Index :No
Internet :Yes
Speaking order



W.P.No.6796 of 2021

To:-

1.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi Dravidar & Tribal Welfare Department,
Secretariat, Chennai.

2.Senior Divisional Manager,
Life Insurance Corporation of India (LIC),
Divisional Office – 1, LIC Building,
8th Floor, Anna Salai, Chennai – 600 002.



WEB COPY



W.P.No.6796 of 2021

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W.P.No.6796 of 2021

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