



W.P.No.7080 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

and

THE HONOURABLE Mr.JUSTICE KUMARESH BABU

W.P.No.7080 of 2021
and WMP.No.7597 of 2021

R.Baskara Babu

... Petitioner

Vs

1.Tamil Nadu State Level Scrutiny Committee-II
Adi Dravidar and Tribal Welfare Department
Namakkal Kavignar Maligai
Secretariat, Chennai - 600 009.

2.The Deputy Chief Material's Manager
Southern Railway
Ponmalai, Trichy - 620 004.

3.The Deputy Superintendent of Police
SC/ST Vigilance Cell
Social Justice and Human Rights Wing
Tiruvarur.

4.Thiru.A.S.Mohanram
Member Secretary
State Level Scrutiny Committee-II
and Deputy Conservator of Forests
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai - 600 009.

.... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the first respondent's impugned proceedings No.5156/CV-III(1)/2009-11 dated 11.02.2021 and quash the same.

For Petitioner : Mr.L.Chandrakumar
for Mr.N.Naganathan

For Respondents : Mrs.C.Sangamithirai
Special Government Pleader for R1 & R3
Mr.P.T.Ramkumar
Standing Counsel for R2
R2 - Served (No appearance)

ORDER

[Order of the Court was made by R.SUBRAMANIAN.JI]

Challenge in the writ petition is to the proceedings of the State Level Scrutiny Committee dated 11.02.2021, in and by which the State Level Scrutiny Committee has concluded the claim of the petitioner that he belongs to Kattunayakan, a Scheduled Tribe Community, is not genuine.

2. The petitioner was favoured with a certificate to the effect that he belongs to Kattunayakan, a Scheduled Tribe Community on 24.07.1980 by the Head Quarters Deputy Tahsildar, Thanjavur and the same was confirmed by the Tahsildar, Kodavasal, Thanjavur on 15.03.1991. When the said certificate was



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sought to be verified, the petitioner relied upon the orders passed by the State Level Scrutiny Committee upholding the claim of his own sisters namely R.Sujatha, on 24.03.2015 and another sibling Mrs.Usharani. He also relied on the hereditary relationship certificate dated 27.03.2018, issued by the Tahsildar, Kodavasal certifying the relationship between the petitioner and his other siblings namely Hemakumari, Usharani and Sujatha. It is also the grievance of the petitioner that pursuant to the impugned proceedings, his employer, Southern Railways has curtailed his retirement benefits.

3. The State Level Committee referred the matter to the District Level Vigilance Cell and Anthropologist. Both the Anthropologist and Vigilance Cell concluded that the claim of the petitioner is genuine. The Committee however had reached a different conclusion on the basis that the Tahsildar, Kodavasal was not the competent officer to issue the certificate on 15.03.1991. The Committee completely overlooked the certificate issued by the Head Quarters Deputy Tahsildar, Thanjavur, who was the competent officer even in the year 1980.

4. We have heard Mr.L.Chandrakumar, learned counsel appearing for Mr.N.Naganathan, counsel for the petitioner; Mrs.C.Sangamithirai, learned Special Government Pleader for respondents 1 and 3; and Mr.P.T.Ramkumar,



learned Standing Counsel for Railways.

5. This Court as well as the Hon'ble Supreme Court have repeatedly held that once the Anthropologist and the District Level Vigilance Cell return a finding to the effect that the claim of the petitioner is genuine, the State Level Scrutiny Committee cannot proceed further and make an enquiry. In fact, the Hon'ble Supreme Court in *Dayaram Vs. Sudhir Batham & Others* reported in [2016 (6) CTC 192] and this Court in *G.Venkitasamy Vs. The Chairman, State Level Scrutiny Committee and Secretary to Government* reported in [2016 (1) CTC 647] have concluded that there is no question of further enquiry by the State Level Scrutiny Committee, after the claim is confirmed as genuine by the two agencies namely, the Anthropologist and the District Level Vigilance Cell unless it is found that fraud has been played in obtaining the reports. The State Level Scrutiny committee has not recorded any such finding. Therefore, there cannot be further enquiry by the State Level Scrutiny Committee and the State Level Scrutiny Committee will have to accept the findings of these two agencies.

6. It is also a settled law, when certificates of the near relatives of the petitioner have been verified and found to be genuine, that itself would be a circumstance to uphold the claim of the petitioner. It is seen that similar claims



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of three sisters of the petitioner have been held to be genuine. Both the circumstances prevail in this case. The certificates of the sisters of the petitioner were verified and the claim of the petitioner has been upheld, and the District Level Vigilance Cell has returned a favourable report.

7. Therefore, we are unable to sustain that the conclusion of the State Level Scrutiny Committee. The impugned order dated 11.02.2021 will stand set aside and the certificate issued to the petitioner by the Head Quarters of Deputy Tahsildar, Thanjavur on 24.07.1980 is held to be genuine. Since the petitioner has retired from service, the Railways are directed to pay the retirement benefits to the petitioner forthwith.

8. With the above observation and direction, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

[RSMJ] [KBJ]
18.11.2022

Index : Yes / No
Speaking order / Non-speaking order
ds

Note : Issue order copy on 23.11.2022



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To:

1. Tamil Nadu State Level Scrutiny Committee-II
Adi Dravidar and Tribal Welfare Department
Namakkal Kavignar Maligai
Secretariat, Chennai - 600 009.
2. The Deputy Chief Material's Manager
Southern Railway
Ponmalai, Trichy - 620 004.
3. The Deputy Superintendent of Police
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4. The Member Secretary
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R.SUBRAMANIAN. J.,
and
KUMARESH BABU.J.,

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