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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7767 of 2022 and WMP.Nos.7783 and 7784/2022

P.Sadanandan

... Petitioner

-vs-

1. The Secretary,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, III Floor,
Secretariat, Chennai-600 009.

2. UCO Bank
rep. by its Deputy General Manager,
Zonal Office, 328, Thambu Chetty Street,
Chennai-600 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to Proceedings No.15663/CV-4(2)/2020-18 dated 18.3.2022 issued by the 1st respondent and quash the same and consequently to declare the community certificate holding the petitioner as 'Hindu Kattunayakan' as genuine.

For Petitioner : Mr.SP.Srinivasan

For 1st Respondent : Mr.K.V.Sajeev Kumar,
Spl. Govt. Pleader

ORDER

(Order of the Court was made by T.RAJA, J.)

This Writ Petition has been filed challenging the correctness of the impugned order dated 18.03.2022 passed by the 1st respondent, namely, The Secretary, State Level Scrutiny Committee, Adi Dravidar and Tribal Welfare Department, Namakkal Kavignar Maligai, III Floor, Secretariat, Chennai-600 009 in

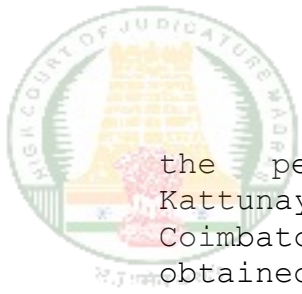


which the State Level Scrutiny Committee finding that the petitioner does not belong to Hindu Kattunayakan-Scheduled Tribe Community, directed the confiscation of the Hindu Kattunayakan Community Certificate obtained by the petitioner from the Tahsildar, Coimbatore vide C.C.No.5522/85 dated 11.06.1985.

2. Learned Counsel appearing for the petitioner assailing the impugned order would submit that the petitioner was born in Coimbatore and he was the only child for his parents and his father also hails from Sadanandapuram which was earlier in Kancheepuram District and now in Chengalpet District and his mother hailed from Coimbatore District. After completing his school education up to X Standard from Ramakrishna Mission Boys Higher Secondary School-Main, T.Nagar, Chennai, he joined the service as Sub-staff in UCO Bank, Perambakkam Branch, Tiruvallur District in 1991 through sponsorship from Employment Exchange. Later on, he was transferred to Thambu Chetty Street Branch at Parrys Corner, Chennai-1 and now he has been working in the said Branch as Dafatry. He has also obtained Community Certificate from the Sub-Collector, Chengalpet. Adding further, learned Counsel for the petitioner would submit that the petitioner does not have any relatives of his father in the State to prove his lineage. When he belongs to Chengalpet, he obtained a certificate from the Tahsildar, Coimbatore and joined the service of the bank on 03.06.1991 as Sub-staff (Peon). Therefore, he had to obtain certificate from Metropolitan Magistrate, George Town, Chennai-1, which was not taken on record while joining service. Hence, he obtained a certificate from Chengalpet Sub-Collector upon insistence from the 2nd respondent Bank after he joined the service.

3. Learned Counsel for the petitioner would also submit that when an enquiry was ordered, one of the officials being the members of the State Level Scrutiny Committee enquired the petitioner with regard to the Anthropologist Test and subsequently upheld the report of the Anthropologist. Therefore, members sitting in the State Level Scrutiny Committee cannot be an enquiry officer and after completing the enquiry, he cannot act as a Judge. Therefore, the findings given by the State Level Scrutiny Committee is vitiated, it is pleaded.

4. We have no hesitation to agree with the said submission of the learned Counsel for the petitioner. Because the learned Counsel for the petitioner has not substantiated that submission by giving the name, date and month of enquiry. However, coming to the objections raised by the learned Special Government Pleader on which ground the impugned order has been passed to confiscate



the petitioner's community certificate, namely, Hindu Kattunayakan-Scheduled Tribe obtained by him from the Tahsildar, Coimbatore, it has been mentioned that when the petitioner has obtained Hindu Kattunayakan Community Certificate claiming him as 'Kattu Naicken-Scheduled Tribe' even as per the School Transfer Certificate issued by the Headmaster, Sri Ramakrishna Mission Higher Secondary School (Main), Madras South, Madras, it is not known how the petitioner can obtain two more community certificates for his daughters as 'Hindu Adi Dravidar-Scheduled Caste'. In support of his argument, drawing our notice to the impugned order argued that when the petitioner is having two daughters by name Selvi S.Soundarya, in the copy of the Community Certificate bearing No.5926609 issued by the Tahsildar, Salem, her caste has been mentioned as Hindu-Adi Dravidar (SC) vide 5565/B2 dated 20.11.2009 and the petitioner has also obtained Community Certificate bearing No.5926610 for his second daughter S.Nishanthi issued by the Tahsildar, Salem showing her caste as Hindu-Adi-Dravidar (SC) vide 5566/2009/B2 dated 20.11.2009. The irony of this case is that when the petitioner's father belongs to Hindu Kattunayakan Community, the children born to the same parents cannot belong to different community. That apart, it appears that the petitioner's wife belongs to Backward Class Community. In one family, when father belongs to Kattu Naicker Scheduled Tribe Community, mother belongs to Backward Class Community, therefore, obtaining another community certificate to two daughters as Scheduled Caste is highly unacceptable.

5. In view of all the above, we are not able to get any answer clarifying the inconsistencies between the Community Certificate obtained by the petitioner and the two other community certificates obtained for his two daughters as mentioned above. Therefore, when the petitioner was unable to explain how different community certificates can be obtained for his two daughters, when he belongs to Hindu Kattunayakan Scheduled Tribe Community and his wife belongs to Backward Class Community, we are unable to find any merits in the Writ Petition.

6. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar



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1. The Secretary,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, III Floor,
Secretariat, Chennai-600 009.

2. The Deputy General Manager, UCO Bank,
Zonal Office, 328, Thambu Chetty Street,
Chennai-600 001.

+2cc to Mr.S.P.Srinivasan, Advocate SR.No.22080,22658
+1cc to the Government Pleader, SR.No.23236

W.P.No.7767 of 2022

GPL(CO)
CB(02/05/2022)