



WEB COPY

W.P.No.15406



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

**THE HON'BLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE K. KUMARESH BABU**

**W.P.No.15406 of 2022
and W.M.P.No.14557 of 2022**

R.P.Arul

... Petitioner

VS.

1.State Level Scrutiny Committee III,
rep. by the Chairman and
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-6) Department,
Secretariat, Chennai – 600 009.

2.The Director of Tribal Welfare,
Chepauk, Chennai – 600 005.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to forbear respondent No.1-Committee from holding an inquiry into the community status of the petitioner without first obtaining an Anthropologist Report with regard to the petitioner's mother's family at Karveti Nagaram, Chittoor (AP).



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For Petitioner : Mr.M.Radha Krishnan
For Respondent : Ms.C.Sangamithirai
Special Government Pleader

ORDER

(Order of the court was delivered by R.Subramanian, J.)

The petitioner seeks a Writ of Mandamus forbearing the respondents from holding an enquiry on the communal status of the petitioner without obtaining the report of the Anthropologist with reference to the status of the petitioner's mother's family who hails from Karveti Nagaram, Chittoor District, Andhra Pradesh.

2.The petitioner claims that his father Mr.Punniyakoti got married to his mother who hails from Chittoor, Andhra Pradesh and belongs to a Scheduled Tribe community called Konda kapu. He had secured a job with Chennai Petroleum Corporation Limited in the quota for Scheduled Tribes. The Corporation had referred his certificate for verification. The petitioner would claim that during the process of verification, the respondents State Level Scrutiny Committee, the District Level Vigilance Cell and the Anthropologist have not



followed the guidelines issued by the Hon'ble Supreme Court in ***Kumari Madhuri Patil Vs. Addl. Commissioner, Tribal Development and Others*** reported in ***(1994) 6 SCC 241***.

3.Mr.M.Radha Krishnan, learned counsel appearing for the petitioner would also submit that as per the procedure prescribed in Kumari Madhuri Patil cited supra, the District Level Vigilance Cell and the Anthropologist are obliged to go to the native place of the petitioner's mother, since, it is a case of migration, and conduct the enquiry and their conclusion should be based on the enquiry conducted.

4.Inviting our attention to the Report of the Anthropologist and the District Level Vigilance Cell which have been filed before the State Level Scrutiny Committee, Mr.M.Radha Krishnan would contend that neither the Anthropologist nor the District Level Vigilance cell had conducted any enquiry at the native place of the petitioner's mother who claims to be belong to Scheduled Tribe community.



5. In respect of the inter-caste marriages, the Government of Tamil Nadu had issued two Government Orders, the first Government Order in G.O.Ms.No.477 dated 27.06.1975, wherein the option has been given to the parents of the candidates to choose the community that they belong to, having regard to the way of life in which the children are brought up, this was further reiterated in G.O.Ms.No.8 dated 09.02.2021. Therefore, it is open to the petitioner to choose either the community of the father or the mother. It is on record that the petitioner's parents have chosen the community of the mother. While conducting the exercise of verification of the certificate, the State Level Scrutiny Committee is obliged to follow the procedure prescribed by the Hon'ble Supreme Court in Kumari Madhuri Patil's case.

6. The State of Tamil Nadu has also issued a G.O.Ms.No.106 dated 15.10.2012 which delineates the procedure that has to be followed by the State Level Scrutiny Committee. The said Government Order specifically states that the Officers of the District Level Vigilance Cell will have to go to the native place of the concerned person in case of migration and verify the status with reference to peculiar Anthropological and ethnographic practices of the Scheduled Tribe.



7.From the Reports of the District Level Vigilance Cell as well as the Anthropologist, we find that no efforts have been made to carry out such exercise. Of course, there is a reference to the Report of the Tahsildar which was given in the year 2012. The Report of the Tahsildar or the District Collector of the District may not be serve the purpose in view of the specific directions issued by the Hon'ble Supreme Court which has been adopted by the Government of Tamil Nadu in G.O.Ms.No.106 dated 15.10.2012.

8.In light of the above mandatory directions issued by the State Government, we do not think that the procedure adopted by the District Level Vigilance Cell and the Anthropologist who have made enquiries in Vyasarpadi and Panagudi, the place of the residence and the place of work of the petitioner would satisfy the requirements of the law. Hence, the Writ Petition stands allowed.

9.There will be a direction to the State Level Scrutiny Committee to have the exercises of redone by the District Level Vigilance Cell and the Anthropologist who shall visit the native place of the petitioner's mother viz.,



Karveti Nagaram, Chittoor District of Andhra Pradesh and submit a fresh Report.

The State Level Scrutiny Committee will decide on the community status of the petitioner on the basis of such report to be filed by the District Level Vigilance Cell and the Anthropologist. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.)

(K.B., J.)

04.11.2022

Index: Yes/no

Speaking order: Yes/no

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To

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