



W.P.No.13506 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2022

CORAM:

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

W.P.No.13506 of 2021

and

W.M.P.Nos.14374 and 14377 of 2021

P.Durairaju (Deceased)

2.D.Lakshmi

3.D.Saranya

4.D.Sowmiya

[Petitioners 2 to 4 substituted as legal
representatives of deceased sole petitioner]

...Petitioners

Vs.

1.The State Level Scrutiny Committee II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Fort St. George, Chennai – 600 009.

2.The Director of Tribal Welfare Department,
Chepauk, Chennai.

3.The Deputy Financial Adviser and
Chief Accounts Officer,
Workshop and Stores,
Southern Railway, Golden Roce,
Trichy – 620 004.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorari, to call for the records of the 1st respondent's impugned Proceedings No.17977/CV-4(2)/2012-18 dated 11.02.2021 and quash the same.

For Petitioners : Mr.N.Naganathan

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Ms.C.Sangamithirai,
Special Government Pleader for R1 and R2
Mr.P.T.Ramkumar for R3

ORDER

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

Challenge in the writ petition is to the proceedings of the State Level Scrutiny Committee dated 11.02.2021, in and by which, the Committee had concluded that the Community certificate issued to the deceased 1st petitioner certifying that he belongs to 'Uraly', a community notified as a Scheduled Tribe as not genuine.

2. We do not propose to go into the merits, in view of the fact that the State Level Scrutiny Committee had breached the directions of the Hon'ble Supreme Court made in ***Kumari Madhuri Patel & Ors. vs.***



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Additional Commissioner, Tribal Development & Ors. reported in 1984 (6)

SCC 241. The Hon'ble Supreme Court had made it very clear that the State Level Scrutiny Committee is obliged to have the benefit of the reports of the District level Vigilance Committee and the Anthropologist while deciding on the genuineness of the Scheduled Tribe certificate. Evidently such an exercise was not carried out by the Committee.

3. Mr.S.Silambanan, learned Additional Advocate General appearing for the respondents 1 and 2 would fairly submit that neither the District Level Vigilance Committee report nor the report of the Anthropologist was available with the State Level Vigilance Committee when it concluded on the genuineness of the certificate.

4. In the light of the above submission made by the learned Additional Advocate General, we have no other option, but, to set aside the order of the State Level Scrutiny Committee and remit the matter to the State Level Scrutiny Committee with a direction to the State Level Scrutiny Committee to obtain the reports from the District Level Vigilance Cell and



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Anthropologist and pass orders afresh. Such an exercise shall be completed within a period of three months from the date of receipt of a copy of the order. It is made clear that the legal heirs of the petitioner shall cooperate with the State Level Scrutiny Committee in the conduct of the enquiry, any lapse on their part will be viewed seriously. The Railways/ Employer will disburse the retiral benefits of the deceased 1st petitioner depending on the decision of the State Level Scrutiny Committee. Accordingly, the writ petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
13.10.2022

dsa

Index :No
Internet :Yes
Speaking order



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To:-

WEB COPY

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