



WEB COPY



W.P.No.13770 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2022

CORAM:

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

Writ Petition No.13770 of 2022
and
W.M.P.Nos.13065 & 13068 of 2022

R.Parthiban

...Petitioner

Vs.

1.The Chairman,
The Tamil Nadu State Level Scrutiny Committee II,
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai – 600 009.

2.The Director of Tribal Welfare,
Member Secretary, State Level Scrutiny committee,
Chepauk, Chennai 600 005.

3.The Deputy Superintendent of Police,
Adidravadar and Tribal Vigilance Unit,
Salem Zone, Incharge,
Trichy Zone, Trichy.

4. UCO Bank,
Rep. by its Zonal Manager, Zonal Officer,
169, Thambu Chetty Street, Chennai 1.

...Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, to call for the records made in Letter No.7083/CV3(1)/2021-3 dated 28.08.2021 on the file of the first respondent, Na.Ka.No.39/Ka.Thu.Ka/SC/ST Vigilance Unit/Trichy Zone/2022 dated 11.04.2022 on the file of the 3rd respondent and consequential letter Na.Ka.No.Pa.Me/Aa3/10380/2021 dated 18.04.2022 on the file of the second respondent and quash the same and consequently forbearing the respondents from verification pertaining to petitioner community certificate in the light of the order passed by the fourth respondent Bank dated 26.03.1984.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.S.Silambanan,
Additional Advocate General
Assisted by Mrs.C.Sangamithirai,
Special Govt. Pleader, for RR 1 to 3

Mr.Srinath Sridevan, for R4



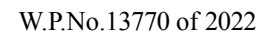
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ORDER

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

The petitioner seeks a Writ of Certiorarified Mandamus seeking to quash the letter dated 28.08.2021, in and by which, the Chairman of the State Level Scrutiny Committee II, had required the Deputy Superintendent of Police, District Level Vigilance Cell to conduct an enquiry for the purpose of verifying the genuineness of the Community Certificate issued by the Tahsildar, Thuraiyur on 08.12.1977 certifying that the petitioner belongs to konda Reddy, as Scheduled Tribe Community, the Report of the Vigilance Cell dated 11.04.2022 and the Consequential Letter dated 18.04.2022 calling for an explanation upon the Report of the Vigilance Cell.

2. The primary contention of the petitioner is that the verification is unnecessary, since the petitioner has joined the services of the Bank under the general category and not under the Category reserved for Scheduled Tribe. In support of the said contention, the learned counsel appearing for the petitioner would rely upon the letter of the Bank dated 26.03.1984, wherein it is stated that the petitioner would be treated as a candidate under



3. This claim is opposed by the first respondent contending that assuming that the petitioner has been appointed under the General if the certificate is not verified, there is a possibility of his legal claiming the same status. Therefore, at least to rule out the benefits passed on to undeserving people in future a verification is necessary.

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5. However, as rightly contended by the learned Government Pleader, such verification is necessary to rule out the possibility of the heirs of the petitioner claiming the status of the Scheduled Tribe Community with the aid of the Certificate that has been granted to the petitioner. If the State Level Scrutiny Committee is to accept the claim of the petitioner that the certificate is genuine, his heirs will be entitled to the benefit, if not they will not be entitled to the benefit. Therefore, we cannot conclude that the verification is unnecessary.

6. In view of the above, we dispose of the Writ Petition with the following directions:

- 1. The State Level Scrutiny Committee will carry out the verification process;*
- 2. The result of the verification process will not affect the petitioner's service benefits, since the petitioner has already retired, the Bank is directed to calculate the service benefits and pay the same to the petitioner without waiting for the*



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result of the enquiry.

There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU,

J.)

16.11.2022

Index: No

Internet: Yes

Speaking Order

jv

To

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Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai – 600 009.

2.The Director of Tribal Welfare,
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