



WEB COPY



W.P.No.15748 of 2020

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.15748 of 2020
and
W.M.P.No.19585 of 2020

- 1.The Deputy Director General (St.),
Medical Stores Organization,
Directorate General of Health Services,
West Block – 1, R.K.Puram,
New Delhi – 110 066.
- 2.The Deputy Drugs Controller(I), CDSCO,
Additional Charge,
Government Medical Store Depot,
Government of India,
Ministry of Health and Family Welfare,
37, Naval Hospital Road, Periamet,
Chennai – 600 003.

...Petitioners

Vs.

- 1.The Chairman,
Tamil Nadu State Level Scrutiny Committee – II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai – 600 009.
- 2.V.Vijayalakshmi



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

4.The Tahsildar,
Thiruvallur District,
Thiruvallur.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent herein in proceedings No.6479/CV-4(1)/2014-14 dated 02.03.2020 and quash the same and consequently direct the 1st respondent herein to find out the genuineness of the caste certificate of Scheduled Tribe issued to the 2nd respondent herein afresh as per the direction issued by the Hon'ble Apex Court in Kumari Madhuri Patil Case reported in 1994 SCC (6) Page 241.

For Petitioners : Ms.J.Priscilla Pandian,
Senior Panel counsel,
Central Government

For Respondents : Ms.C.Sangamithirai,
Special Government Pleader for R1 & R3

Ms.Jasmine Padma,
for Mr.L.Chandrakumar for R2

Mr.Vadivelu Deenadayalan,
Additional Government Pleader for R4



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ORDER

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

Challenge in the writ petition is to the proceedings of the Tamil Nadu State Level Scrutiny Committee - II dated 02.03.2020, in and by which, the Committee upheld the genuineness of the community certificate granted to the 2nd respondent certifying that she belongs to 'Hindu-Malakkuravan' community which is a scheduled tribe community.

2. The 2nd respondent has secured a job with the petitioner by declaring her community to be a scheduled tribe community on the basis of community certificate issued to her on 09.06.1988 by the Tahsildar, Tiruvallur. The said certificate was subject to verification by the Authority. A two Member Scrutiny Committee concluded that the certificate is not genuine. Upon challenge by the 2nd respondent, this Court had set aside the said order and directed the enquiry to be conducted by a three Member Committee. Thereafter, the three Member Committee after following the directions of the Hon'ble Supreme Court in **Kumari Madhuri Patil vs Addl. Commissioner** reported in **1994 (6) SCC 241** concluded that the certificate



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issued to the 2nd respondent is genuine. It is this conclusion of the State Level Scrutiny Committee that is challenged by the employer in the writ petition.

3. We have heard Ms.Priscilla Pandian, learned Senior Panel Counsel for Central Government for the petitioner, Ms.Sangamathirai, learned Special Government Pleader for the respondents 1 and 3, Ms.Jasmine Padma, learned counsel for Mr.L.Chandrakumar for the 2nd respondent and Mr.Vadivelu Deenadayalan, learned Additional Government Pleader for the 4th respondent.

4. Ms.Priscilla Pandian, learned Senior Panel Counsel for Central Government would vehemently contend that the State Level Scrutiny Committee ought not to have concluded that the certificate is genuine in the absence of the original certificate being produced. Relying upon the communication dated 15.11.2019, in and by which, the State Level Scrutiny Committee had required the 2nd respondent to produce the original certificate and her explanation that the original certificate is not available with her but



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has been lodged with the Tahsildar for verification, the learned counsel would contend that since the Tahsildar had reported that the records were not available with him the learned counsel would submit that in the absence of original certificate the State Level Scrutiny Committee was not justified in concluding that the certificate is genuine.

5. It is also stated that the 2nd respondent while joining had stated that her brother's name is Murali. The State Level Scrutiny Committee has referred to the certificate issued to one Ramesh who is also stated to be the brother of the 2nd respondent. This contradiction or difference in the names of the brother is also projected as a ground to contend that the certificate is not genuine.

6. Contending contra, Ms.Jasmine Padma, learned counsel appearing for the 2nd respondent would submit that when the original certificate was called for, she had stated that it was handed over to the Tahsildar for verification. The fact that the certificate was sought to be verified earlier was admitted. Issuance of certificate in favour of the 2nd



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respondent is not denied. Therefore, non-production of the original alone cannot be a ground to conclude that the certificate is not genuine. On the second ground the learned counsel would submit that merely because the brother's name differ, the genuineness of the certificate cannot be doubted.

7. The State Level Scrutiny Committee has scrupulously followed the procedure prescribed by the Hon'ble Supreme Court in **Kumari Madhuri Patil's** case cited *supra* and had concluded that the certificate is genuine. The Vigilance Cell has after local enquiry concluded that the certificate is genuine. The Anthropologist concluded that the certificate is genuine. This Court as well as the Hon'ble Supreme Court have held that the conclusion of the Vigilance Cell and Anthropologist are binding on the State Level Scrutiny Committee. In the light of the settled position of law, challenge to the conclusion of the State Level Scrutiny Committee cannot be sustained.

8. Ms.Sangamathirai, learned Special Government Pleader appearing for the State Level Scrutiny Committee would submit that the



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Committee had not gone by the earlier certificate alone, it has examined all the materials available before it and arrived at a conclusion that the certificate is genuine.

9. We have considered the rival submissions. We find that this State Level Scrutiny Committee has after elaborately considering the materials that was placed before it, including the report of the Vigilance Cell and the Anthropologist has come to the conclusion that the certificate is genuine. Mere non-production of the original certificate cannot be a ground to conclude that the certificate is not genuine. After all, the first petitioner itself has employed the 2nd respondent on the basis of the certificate produced by her which was sought to be verified. Verification of certificate is only to ensure that the benefits are not enjoyed by persons who do not belong to scheduled tribe community. Such a verification process has been settled by the Hon'ble Supreme Court and the entire process as prescribed by the Hon'ble Supreme Court has been followed by the State Level Scrutiny Committee and the State Level Scrutiny Committee has accepted the report of the Vigilance Cell and Anthropologist.



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10. We therefore do not find any material to come to a different conclusion. The writ petition therefore fails and the same is accordingly **dismissed**. No costs. Consequently, the connected writ miscellaneous petition is closed.

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

dsa

Index :No
Internet :Yes
Speaking order



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