



W.P.No.31826 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2022

CORAM:

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

W.P.No.31826 of 2022
and
W.M.P.No.31290 of 2022

R.Balasubramanian

...Petitioner

Vs.

- 1.The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai – 600 009.
- 2.The State Level Scrutiny Committee,
Rep. by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai – 600 009.
- 3.The Director of Tribal Welfare,
Chepauk, Chennai – 600 005.
- 4.The Deputy Superintendent of Police,
Social Justice and Human Rights Wings/
SC/ST Vigilance Cell,
Superintendent of Police Office,
Ariyalur District.

...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, calling for the entire records, leading to the impugned order Letter No.13466/CV3/2012 dated 16.08.2017 on the file of the 1st respondent and consequential proceedings C.No.186/SJ&HR/DSP/Ariyalur/2022 dated 09.11.202 on the file of the 4th respondent and quash the same and to consequently forbear the respondents from re-opening the enquiry/ re-verification pertaining to the community certificate of the petitioner.

For Petitioner : Mr.N.Naganathan

For Respondents : Mrs.C.Sangamithirai,
Special Government Pleader for R1 to R3

ORDER

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

Aggrieved by the attempted second verification of his community certificate by the State Level Scrutiny Committee, the petitioner is before this Court.



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2. The petitioner was favoured with a certificate to the effect that he belongs to Hindu Kammara, a scheduled Tribe community by the Tahsildar Jayankondam on 22.08.1989. Based on the said certificate, the petitioner got employment in Southern Railways. At the instance of the employer, the certificate of the petitioner was sent for verification to the District Level Vigilance Committee which had the jurisdiction under G.O.Ms.No.111 dated 06.07.2005.

3. During the pendency of the verification process before the District Level Vigilance Committee, the Government issued G.O.(2D).No.108 dated 12.09.2007 vesting the powers of verification of the Scheduled Tribe Certificate with the State Level Scrutiny Committee. Paragraph 3 of the said Government Order dated 12.09.2007 made it clear that the constitution of the State Level Scrutiny Committee will not have any bearing on the verification that has been undertaken by the District Level Vigilance Committee under G.O.Ms.No.111 dated 06.07.2005 upto the date of issuance of G.O.(2D).No.108 that is 12.09.2009. However, the



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District Level Vigilance Committee went ahead with the enquiry process and passed orders on 03.01.2008 confirming the genuineness of the certificate granted to the petitioner.

4. Thereafter, the Government issued G.O.(2D).No.3 dated 31.01.2008 clarifying that the jurisdiction of the District Level Vigilance Committee will extend to all the references made to it till 12.09.2007 that is the date of issuance of G.O.(2D).No.108. Thus, the orders of the District Level Vigilance Committee passed in the case on hand on 03.01.2008 stood validated.

5. Subsequently, the Railways pointed out certain variations in the community of the petitioner in the Government letter dated 21.07.2009 and sought for a further clarification. Further clarification was issued to the Government on 24.05.2010 informing the General Manager that the variation in the community was only a typographical error and the certificate is genuine.



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6. On 15.09.2014 the Government issued D.O.Letter No.3321/CV-III/2013-3 dated 15.09.2014, wherein, it was made clear that there is no provision for the State Level Scrutiny Committee to launch a re-enquiry or re-verification of the cases in which the orders have already been passed by the District Level Vigilance committee.

7. The Hon'ble Supreme Court also had an occasion to deal with a similar situation in Civil Appeal No.5160 of 2010, wherein, it was made clear that once verification is done by the District Level Vigilance Committee and the same was not challenged, the State Level Scrutiny committee cannot launch a fresh enquiry. In the light of the above, it is clear to our mind that the present attempt made by the State Level Scrutiny Committee to get the petitioner's certificate verified on the basis of the alleged request from the Railways cannot be sustained.



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8. Hence, the proceedings of the State Level Scrutiny Committee

launched for verification of the certificate of the petitioner will stand quashed. The writ petition is **allowed**. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M.,J.) (K.B.,J.)
28.11.2022

dsa

Index : No
Internet : Yes
Speaking order



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To:-

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Adi Dravidar and Tribal Welfare (CV3) Department,
Secretariat, Chennai – 600 009.
2. The Chairman,
State Level Scrutiny Committee,
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Namakkal Kavingar Maligai, Secretariat,
Chennai – 600 009.
3. The Director of Tribal Welfare,
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