



W.P.No.31958 of 2022

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

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

W.P.No.31958 of 2022
and
W.M.P.No.31396 of 2022

N.Manoharan

...Petitioner

Vs.

The Chairman,
Tamil Nadu State Level Scrutiny Committee-III
and Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai – 9.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the respondent in its Letter No. dated 15.11.2022 and quash the same and consequently refrain the respondent from making verification into the caste status of the petitioner.

For Petitioner : Mr.V.Vijayashankar

For Respondent : Ms.C.Sangamithirai

Special Government Pleader



W.P.No.31958 of 2022

ORDER

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

Challenge in the Writ Petition is to the notice issued by the State Level Scrutiny Committee, requiring the petitioner to appear for an enquiry with reference to verification of the community certificate that was granted to him, certifying that he belongs to Hindu Konda Reddy, a Sceduled Tribe Community.

2.The petitioner was favoured with such certificate by the Tahsildar, Tiruttani on 12.01.1982 and the petitioner was appointed as a Peon in Chennai Port Trust in the same year under the quota for Scheduled Tribe. In the year 2016, the State Level Scrutiny Committee issued a notice proposing to verify communal status of the petitioner at the instance of the employer. The State Level Scrutiny Committee passed an order concluding that the community certificate issued to the petitioner is not genuine on 23.09.2019. The said order was put to challenge in W.P.No.29465 of 2019.



W.P.No.31958 of 2022

3.This Court found that the enquiry conducted without furnishing the copies of the report of the District Level Vigilance Cell and the report of the Anthropologist to the petitioner would vitiate the proceedings and on that ground, set aside the order of the State Level Scrutiny Committee. The matter was remitted back to the State Level Scrutiny Committee to re-enquire after furnishing the copies of the documents to the petitioner. The Hon'ble Division Bench also observed that the State Level Scrutiny Committee will give reasons for either accepting or not accepting the report of the District Level Vigilance Cell. Thereafter, the report of the District Level Vigilance Cell was furnished to the petitioner and the impugned notice was issued to him, calling upon him to appear for the enquiry.

4.Mr.V.Vijayashankar, learned counsel appearing for the petitioner would vehemently contend that in view of the judgment of this Court in **G.Venkitasamy and another Vs. the Chairman, State Level Scrutiny Committee** reported in **2016 (1) MLJ 606**, the State Level Scrutiny Committee cannot proceed with the enquiry once the District Level Vigilance Cell reports in favour of the petitioner.



W.P.No.31958 of 2022

WEB COPY

5.Mr.V.Vijayashankar would also draw our attention to our judgment in **T.Kariappa and another Vs. the State Level Scrutiny Committee** wherein, we had followed the judgment of the Hon'ble Division Bench in G.Venkitasamy cited supra. It is also pointed out that the report of the Anthropologist is against the petitioner. In **Anand Vs. Committee for Scrutiny & Verification** reported in (2012) 1 SCC 113, the Hon'ble Supreme Court had pointed out that the report of the Anthropologist could only be treated as another piece of evidence and it is not a decisive factor. However, since the Hon'ble Division Bench while disposed of the petitioner's Writ Petition in W.P.No.29465 of 2019 leaving it open to the State Level Scrutiny Committee to decide whether to accept the report of the District Level Vigilance Cell, we do not think the challenge to the show cause notice as it is could be sustained. However, we dispose of the Writ Petition, directing the State Level Scrutiny Committee to pass appropriate orders, bearing in mind the decisions of this Court as well as the Hon'ble Supreme Court referred to supra. No costs. Consequently, connected miscellaneous petition is closed. Considering the fact that the petitioner is due to retire in six months time, we



W.P.No.31958 of 2022

would require the Committee to dispose of the verification process within a reasonable period, at any rate, within a period of three months from the date of receipt of a copy of this order.

(R.S.M.,J.) (K.B.,J.)
29.11.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

To:-

The Chairman,
Tamil Nadu State Level Scrutiny Committee-III
and Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai – 9.



WEB COPY



W.P.No.31958 of 2022

R.SUBRAMANIAN, J.
and
K.KUMARESH BABU, J.

KKN

W.P.No.31958 of 2022
and
W.M.P.No.31396 of 2022

29.11.2022