



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2022

CORAM

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
AND**

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.[MD]No.10186 of 2022

and

W.M.P.[MD]No.7226 of 2022

Raviena

...Petitioner

Vs.

1.The Chairman,
State Level Caste Scrutiny Committee,
Adi Dravida Tribal Welfare Department,
Secretariat, Chennai.

2.The Director,
Tribal Welfare Department,
Chepauk, Chennai-5.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the proceedings of the second respondent made in Na.Ka.No.pa.ma.Aa3/3681/2020, dated 06.04.2022 and quash the same.

For Petitioner : Mr.R.Murali

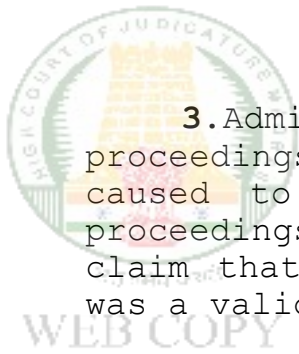
For Respondents : Mr.A.Kannan
Additional Government Pleader

O R D E R

[Order of the Court was made by **ABDUL QUDDHOSE, J.**]

This writ petition has been filed challenging the impugned proceedings dated 06.04.2022 issued by the second respondent, initiating action against the petitioner with regard to her community certificate.

2.The petitioner has raised several grounds in this writ petition challenging the impugned proceedings. According to the petitioner, she belongs to the Hindu Scheduled Tribe community. It is also her case that her own sister has also been treated as one belonging to the Scheduled Tribe community. According to her, by total non-application of mind, the impugned proceedings has been initiated against the petitioner, questioning the veracity of the community certificate issued in her favour.



3. Admittedly, the impugned proceedings is only an enquiry proceedings. No final orders have been passed. No prejudice would be caused to the petitioner, if she participates in the enquiry proceedings and submits all documents / records to substantiate her claim that the community certificate issued in her favour earlier was a valid one.

4. It is settled law that a show cause notice or an enquiry can be challenged only if the same has been issued / conducted without jurisdiction or without authority under law. The respondents are having the authority to investigate the veracity of the community certificate. However, while passing final orders, the respondents will have to consider the grounds raised by the petitioner in this writ petition on merits and in accordance with law. Under the impugned proceedings, the petitioner has been directed to submit her explanation within a particular date. Since the particular date has got expired, the petitioner must be granted sufficient opportunity to submit her explanation.

5. Learned Counsel for the petitioner would also submit that the petitioner is willing to submit an explanation if sufficient time is granted.

6. After giving due consideration to the contents of the affidavit filed in support of this writ petition and after hearing the submissions of the respective Counsels, this writ petition is disposed of by directing the petitioner to submit an explanation to the impugned enquiry proceedings dated 06.04.2022 issued by the second respondent within a period of four [4] weeks from the date of receipt of a copy of this order. On receipt of the said explanation within the stipulated time, the second respondent shall pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner, including granting her the right of personal hearing within a period of six [6] weeks, thereafter. The documents relied upon by the petitioner shall be submitted by her before the respondents, who shall consider the same on merits and in accordance with law.

7. With the aforementioned direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS-III)

// True Copy //

/ /2022
Sub Assistant Registrar (CS)



To

1.The Chairman,
State Level Caste Scrutiny Committee,
Adi Dravida Tribal Welfare Department,
Secretariat, Chennai.

2.The Director,
Tribal Welfare Department,
Chepauk, Chennai-5.

+1 CC to M/s.SPL.GP (SR-23822[F] dated 19/05/2022)

+1 CC to M/s.M. SURESH KUMAR, Advocate (SR-23979[F] dated
20/05/2022)

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18.05.2022

RD(31/05/2022) 3P 5C