



W.P.No.3883 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.3883 of 2023

and

W.M.P.No.3957 of 2023

L.Lakshmana Perumal

... 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 II
Represented by its Chairman/
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai – 600 009.
- 3.The Director of Tribal Welfare,
Chepauk,
Chennai – 600 005.



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4.The Assistant Commissioner of Police,
Social Justice and Human Rights Wings/
SC/ST Vigilance Cell,
Madurai City Vigilance Cell,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records, leading to the impugned order letter No. 712/CVIII/2018 dated 23.01.2018 on the file of the 1st respondent, consequential impugned proceedings Letter No.712/CVIII/2018-4 dated 04.06.2020 and letter No.712/CV-3(1)/2018-5 dated 27.01.2023 on the file of the 2nd 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 R1 to R4	:	Mr.P.Gurunathan Additional Government Pleader

ORDER

(Order of the Court was made by **S.S. SUNDAR, J.**)

This writ petition is filed for issuance of Writ of Certiorarified Mandamus to quash the letter bearing No.712/CVIII/2018, dated



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23.01.2018, on the file of the 1st respondent, and consequential impugned proceedings in Letter No.712/CVIII/2018-4, dated 04.06.2020, and Letter No.712/CV-3(1)/2018-5, dated 27.01.2023, on the file of the 2nd respondent and consequently, to forbear the respondents from re-opening the enquiry/re-verification pertaining to the community certificate of the petitioner.

2.The case of the petitioner is that the petitioner belongs to Hindu “Kammara” community, which comes under Scheduled Tribes. The petitioner relies upon the community certificate issued to him earlier. The case of the petitioner is that a District Level Vigilance Committee conducted an enquiry and confirmed that the petitioner belongs to Hindu “Kammara” community, which is classified as one coming under Scheduled Tribes. By proceedings impugned in this writ petition, the petitioner was asked to appear for an enquiry before the State Level Scrutiny Committee, which was scheduled to be held on 09.02.2023. Even earlier, the Vigilance Committee has required the petitioner to appear before the Committee for an enquiry. The petitioner has not responded to the notice issued by the Vigilance



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Committee, which is also a Body constituted as per the orders of the Government.

3.The contention of the petitioner is that the petitioner's community status has already been decided by the District Level Vigilance Committee in 2003 itself. However, the petitioner has not enclosed any order or proceedings of the District Level Vigilance Committee, which is stated to have issued the certificate to the petitioner. It is to be noted that the Government issued Government Orders, following the directions of Hon'ble Supreme Court, with regard to the constitution of the State Level Scrutiny Committee and District Level Scrutiny Committee in the year 2007. The contention of the petitioner that the District Level Vigilance Committee had already gone into the issue regarding the community status of the petitioner in the year 2003 itself, is not supported by any document.

4.Learned counsel appearing for the petitioner relied upon a judgment of the Hon'ble Supreme Court in the case of ***J.Chitra v. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and others***



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[Civil Appeal No.5160 of 2010, dated 02.09.2021], wherein, it has been

held as follows :

“8.In the instant case, an inquiry was conducted by the District Level Vigilance Committee which has upheld the community certificate in favour of the Appellant. The decision of the District Level Vigilance Committee in the year 1999 has not been challenged in any forum. The recognition of the community certificate issued in favour of the Appellant by the District Vigilance Committee having become final, the State Level Scrutiny Committee did not have jurisdiction to reopen the matter and remand for fresh consideration by the District Level Vigilance Committee. The guidelines issued by G.O.108 dated 12.09.2007 do not permit the State Level Scrutiny Committee to reopen cases which have become final. The purpose of verification of caste certificates by Scrutiny Committees is to avoid false and bogus claims. Repeated inquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and Scheduled Tribes. Reopening of inquiry into caste certificates can be only in case they are vitiated by fraud or when they were issued without proper inquiry.”



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5. In the present case, the learned counsel appearing for the petitioner is unable to produce before this Court any order passed by the competent authority verifying the community status of the petitioner. In such circumstances, this Court is unable to countenance the argument of the learned counsel for the petitioner that there is no scope for any enquiry with regard to the community status of the petitioner. In view of the directions of the Hon'ble Supreme Court and subsequent Government Orders passed by the State Government, this Court finds no merit in this writ petition.

6. Therefore, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (P.B.B., J.)
09.02.2023

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Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order



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To
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Adi Dravidar and Tribal Welfare (CV3),
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Chennai – 600 009.
- 2.The Chairman/Additional Secretary to Government,
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Namakkal Kavingar Maligai, Secretariat,
Chennai – 600 009.
- 3.The Director of Tribal Welfare,
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