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W.P.No.6331 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 17.10.2023

ORDERS DELIVERED ON : 30.10.2023

CORAM

**THE HON'BLE MRS.JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS.JUSTICE N.MALA**

**W.P.No.6331 of 2020
and W.M.P.No.7467 of 2020**

A.Padmanathan

... Petitioner

vs.

- 1.State Level Scrutiny Committee,
rep. by the Chairman & the
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.
- 2.The General Manager (HR),
Chennai Petroleum Corporation Limited,
Manali, Chennai – 600 068.
- 3.The District Collector,
Tuticorin District,
Tuticorin.
- 4.The Deputy Superintendent of Police,
Social Justice and Human Rights Wing,
Addl. Charge SC/ST Vigilance Cell,
Korapallam,



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Tuticorin, Tuticorin District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in the order bearing Letter No.210/CV-2/2014-1, dated 23.09.2016 passed by respondent No.1 and quashing the same, and forbearing respondents 1 and 2 from further verifying the community status of the petitioner in any manner whatsoever, and thus render justice.

For Petitioner : Mr.M.Radhakrishnan

For R1, R3 & R4 : Mr.Stalin Abhimanyu
Additional Government Pleader

For R2 : Mr.Mohammed Fayaz Ali

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ORDER

This Writ Petition is filed calling for the records in the order bearing Letter No.210/CV-2/2014-1, dated 23.09.2016 passed by respondent No.1 and quashing the same, and forbearing respondents 1 and 2 from further verifying the community status of the petitioner in any manner whatsoever, and thus render justice.

2.The petitioner joined in the Chennai Petroleum Corporation Limited



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on 19.02.1992 as a Yardman in the reserved category of Scheduled Tribe.

The petitioner's present designation is Assistant Manager. At the time of joining the second respondent Corporation community certificate of the petitioner was verified. Three community certificates were produced by the petitioner as detailed below:

“A.Certificate No.7410/87 dated 11.05.1987 issued by

Tasildar, Tuticorin;

B.Certificate No.551101 dated 28.11.1989 issued by

Tasildar, Tuticorin; and

C.Certificate No.2921587 dated 16.01.1991 issued by

Revenue Divisional Officer, Tuticorin.”

3.The second respondent vide letter dated 11.06.1996 requested the District Collector, Tuticorin to verify the genuineness of the Scheduled Tribe Community Certificate No.551101 dated 28.11.1989 of “Hindu Katynayakan” Scheduled Tribe Community produced by the petitioner. In response to the said letter the District Collector vide letter dated 29.11.1997 informed that the signature of the Sub Collector in the aforesaid community



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certificate produced by the petitioner was forged. The District Collector thereafter addressed a letter to the second respondent on 31.12.1997 requesting the second respondent to produce the original community certificate of the petitioner for verification. The second respondent vide letter dated 06.01.1998 handed over the original community certificate of the petitioner to the District Collector, Tuticorin. The District Collector directed the petitioner to appear for enquiry on 20.04.1998 vide letter dated 02.04.1998. Thereafter by another letter dated 01.08.1998 the petitioner was asked to appear for enquiry on 17.08.1998 by the District Collector, Tuticorin. The District Collector, Tuticorin thereafter, vide letter dated 17.12.1999 passed an order confirming the “Hindu Katunayakan” Scheduled Tribe Community certificate of the petitioner as genuine. A complaint dated 01.08.2005 was made by the President, Madras Refineries SC/ST Employees Welfare Association, Chennai to the Director, Tribal Welfare, Government of Tamil Nadu stating that the Scheduled Tribe community certificate produced by the petitioner was false. The District Collector, Tuticorin vide letter dated 21.11.2005 requested the second respondent to submit the copy of the community certificate for verification of



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it's genuineness. The second respondent shared the requisite information with the District Collector, Tuticorin vide letter dated 21.12.2005.

Thereafter, the first respondent sent the impugned letter to the fourth respondent to conduct an enquiry, obtain evidence and send a detailed report to the first respondent. Aggrieved by the impugned letter dated 23.09.2016 of the first respondent, the petitioner has filed the above writ petition for the aforesaid relief.

4.The learned counsel appearing for the petitioner submitted that when the genuineness of the petitioner's community certificate as belonging to the “Hindu Katunayakan” Scheduled Tribe Community was confirmed by the then competent authority i.e. the third respondent as early as on 17.12.1999, the first respondent could not reopen the issue after a lapse of a decade and half. The learned counsel for the petitioner relying on the judgment of the Hon'ble Supreme Court in the case of J.Chitra Vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and Others reported in (2021) 9 SCC 811, submitted that there cannot be repeated verification of the community certificate, particularly when the



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confirmation order of the third respondent dated 17.12.1999 remained unchallenged. The learned counsel appearing for the first respondent submitted that the Government passed orders in G.O.(2D) No.108, Adi Dravidar and Tribal Welfare Department, dated 12.09.2007 and G.O.(Ms).No.106, Adi Dravidar and Tribal Welfare Department, dated 15.10.2012 constituting the District Level and State Level Scrutiny Committees. The learned counsel submitted that the genuineness of the petitioner's community certificate was confirmed by a two member committee, whereas the Division Bench of the Hon'ble High Court held that only three member committee is competent to decide the issue and not a two member committee. The learned counsel therefore submitted that on the request of the employer and also on the complaint of the President, Madras Refineries SC/ST Employees Welfare Association, Chennai, the impugned letter was issued to the fourth respondent.

5.The learned counsel for the second respondent while reiterating the facts in the counter affidavit submitted that the verification of the community certificate of the petitioner was initiated only on the basis of the complaint



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given by the President, Madras Refineries SC/ST Employees Welfare Association, Chennai and not by the second respondent.

6.We have heard the learned counsels and we have perused the materials on record.

7.It is seen that the third respondent vide letter dated 29.11.1997 informed that the signature of the Sub Collector in the community certificate issued on 28.11.1989 was forged. Thereafter on due enquiry, the third respondent concluded that the community certificate of the petitioner as belonging to Hindu Kattynayakan (Scheduled Tribes) community was genuine vide order dated 17.12.1999. On a complaint dated 01.08.2005 of the President, Madras Refineries SC/ST Employees Welfare Association, Chennai a second verification was sought to be commenced vide the impugned letter dated 23.09.2016 of the first respondent.

8.The first respondent relies on the Government Orders in G.O.(2D)



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No.108, Adi Dravidar and Tribal Welfare Department, dated 12.09.2007

and G.O.(Ms).No.106, Adi Dravidar and Tribal Welfare Department, dated

15.10.2012 and the order of the Hon'ble High Court that the verification by two member committee was not sustainable to support the reopening of the verification. The short point for consideration is whether the first respondent could reopen the verification of the community certificate of the petitioner while the earlier order of the third respondent confirming the genuineness of the caste certificate remains unchallenged. In this regard, the Judgment of the Hon'ble Supreme Court in the case of J.Chitra Vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and Others reported in (2021) 9 SCC 811 is usefully referred to. In the said Judgment the Hon'ble Supreme Court 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



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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 13 | P a g e 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.”

9.The aforesaid Judgment applies squarely to the case. We are



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therefore of the view that as in the present case the third respondent's order dated 17.12.1999 remains unchallenged till date, the first respondent has no jurisdiction to embark on a second enquiry into the community status of the petitioner. We are therefore of the view that the impugned order dated 23.09.2016 of the first respondent is liable to be set aside and the same is set aside.

10. Before parting with the case we would once again remind the respondents that the guidelines issued in Madhuri Patil's case were issued with the avowed object of preventing the pernicious practise of using false and forged certificates to get employment and admissions. It is not intended to harass the persons belonging to Scheduled Caste and Scheduled Tribe communities. In the words of the Hon'ble Supreme Court unlike any other piece of paper the community certificate is an acknowledgment of a person as belonging to the Scheduled Caste and Scheduled Tribe communities which has faced years of oppression. Therefore repeated investigations into the genuineness of the community certificate of persons belonging to Scheduled Caste and Scheduled Tribe communities would be detrimental to



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their interest.

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11. Accordingly, this writ petition is allowed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

J.N.B., J. N.M., J.

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Index : yes/no

Internet : yes/no

Speaking order/Non-speaking order

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To

1.State Level Scrutiny Committee,
rep. by the Chairman & the
Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The General Manager (HR),
Chennai Petroleum Corporation Limited,
Manali, Chennai – 600 068.

11/13



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3.The District Collector,
Tuticorin District,
Tuticorin.

4.The Deputy Superintendent of Police,
Social Justice and Human Rights Wing,
Addl. Charge SC/ST Vigilance Cell,
Korapallam,
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J.NISHA BANU, J.
&
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PRE-DELIVERY ORDER IN
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