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W.P.No.111

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2023

CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.11913 of 2023

and WMP.Nos.11795 & 11796 of 2023

K.Babu

... Petitioner

Vs.

1.The Chairman,
State Level Scrutiny Committee – III /
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-6) Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Census Operations Department,
Tamil Nadu E-Wing, III Floor,
Rajaji Bhavan, Besant Nagar,
Chennai – 600 090.

3.The Union of India rep. by the
Registrar General India,
Government of India,
Ministry of Home Affairs,
North Block,
New Delhi – 110001.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to



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issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his Letter No.14338/CV-6/2014-21 dated 27.03.2023 and quash the same.

For Petitioner : Mr.C.Prakasam

For R1 : Mr.E.Vijayanand
Additional Government Pleader

For R2 : Mr.C.Samivel,
Special Central Government Standing
Counsel

For R3 : No appearance

* * * * *

ORDER

[Order of the Court was made by J.NISHA BANU,J.]

This Writ Petition is filed to call for the entire records relating to the impugned order passed by the 1st respondent in his Letter No.14338/CV-6/2014-21 dated 27.03.2023 and quash the same.

2.The learned counsel for the petitioner submitted that the petitioner was appointed as Loader in the second respondent Department in the year 1998. The petitioner's appointment was made in open category and not any other reservation or any other community quota. Even though the petitioner is hailing from S.T.



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Community, the petitioner did not claim any reservation for the petitioner appointment.

The Community Certificate verified at any point of time, if the appointment made under Community quota. Once the Community quota not followed, then the first respondent cannot called upon the petitioner to scrutinize the petitioner's community certificate. But in every occasion the respondents called upon the petitioner in the name of enquiry in regard with the petitioner's community, since the first respondent called upon the petitioner to participate in the enquiry in his letter No.14338/CV-6/2014-19 dated 13.12.2022 and asked the petitioner to produce all the petitioner's educational and community certificate. In this connection the petitioner sent a representation to the first respondent along with the community certificate, educational certificate and employment exchange certificate by narrating the entire fact and clearly mentioned that the petitioner never use the petitioner's community name for getting any concession for appointment. But the first respondent issued another summon vide Letter No.14338/CV/2014-21 dated 27.03.2023, called upon the petitioner to participate in the enquiry before the State Level Scrutinizing Committee on 28.03.2023.

3.It is also the further contention of the learned counsel for the petitioner that his appointment is not under the ST Community category and it is only under the General category. He specifically denies that his appointment is based on the ST Community



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4.In the light of the above said submission, the respondents are directed to look into the fact that the petitioner is under the ST Community category or not and pass appropriate order, within a period of three weeks from the date of receipt of a copy of this order. The petitioner is also directed to participate in the enquiry conducted by the respondents.

5.With the above directions, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

J.N.B.J., N.M.J.,
24.08.2023

Index : yes/no
Internet : yes/no
ah

To

1.The Chairman,
State Level Scrutiny Committee – III /
Additional Secretary to Government,
Adi Dravidar and Tribal Welfare (CV-6) Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Census Operations Department,
Tamil Nadu E-Wing, III Floor,
Rajaji Bhavan, Besant Nagar,

4/7



Chennai – 600 090.



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3. The Union of India rep. by the
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