



W.P.No.13526 of 2022
and W.M.P.Nos.12723 & 12725 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.02.2023

DELIVERED ON : 10.03.2023

CORAM

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.13526 of 2022

and

W.M.P.Nos.12723 & 12725 of 2022

R.Balasundaram

... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai - 9.

2.A.S.Mohan Ram,
Deputy Conservator of Forests/
Member Secretary, (FAC),
State Level Scrutiny Committee -II,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 9.

3.The Director,
Institute of Forest Genetics and Tree Breeding,
Post Box No.1061,



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Forest Campus, R.S.Puram,
Coimbatore - 641 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 1st respondent's impugned Proceedings No.16127/CV-4(2)/2014-8 dated 04.01.2022 and quash the same.

For Petitioner : Mr.N.Naganathan
For R1 & R2 : Mr.P.Gurunathan,
Additional Government Pleader
For R3 : Mr.M.T.Arunan

ORDER

(R.HEMALATHA, J.)

The petitioner has challenged the impugned proceedings dated 04.01.2022 issued by the Tamil Nadu State Level Scrutiny Committee-III of Adi Dravidar Tribal Welfare Department, Government of Tamil Nadu.

2.Briefly into the facts of the case:

The petitioner R.Balasundaram was in possession of a Community Certificate issued by the Tahsildar, Avinashi, Coimbatore District bearing Serial No.70/80 dated 11.02.1980 certifying him as



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belonging to 'Hindu Konda Reddy' a Scheduled Tribe Community. Based on this certificate he was appointed as Khalasi under the quota of Scheduled Tribe in the Institute of Forest Genetics and Tree Breeding, Coimbatore on 15.10.1982. Subsequently, he was promoted to the cadre of Lower Division Clerk on 03.12.1999 and later became Upper Division Clerk on 09.09.2020. He attained his superannuation on 30.11.2021 and was being paid only the provisional pension.

3.On 30.09.2014, while he was in service his employer the third respondent referred his community certificate to the first respondent committee which in turn initiated proceedings on 04.07.2017 referring the matter to Vigilance Cell in the year 2018. The Vigilance Cell made an enquiry and submitted a report dated 02.05.2018 stating that the petitioner does not belong to a Scheduled Tribe Community and the same was accepted by the first respondent committee which cancelled the Original Community Certificate dated 11.02.1980 issued by the Tahsildar, Avinashi, Coimbatore District. Hence this Writ Petition praying for quashing the impugned order of the first respondent



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4.Heard Mr.N.Naganathan, learned counsel appearing for the petitioner, Mr.P.Gurunathan, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.M.T.Arunan, learned counsel appearing for the third respondent.

5.Mr.N.Naganathan, learned counsel appearing for the petitioner contended that the impugned order *prima facie* was in total violation of the decision of the Apex Court in ***Kumari Madhuri Patil vs Additional Commissioner*** reported in ***1994 (6) SCC 241***. According to the counsel, the first respondent committee did not disclose any valid reason for cancelling the petitioner's community certificate that too after four decades since the date of issuance of the original certificate. It was also pointed out by the learned counsel that the Guidelines of Ministry of Personnel, Public Grievances and Pension, Government of India were categorical that such verification of Scheduled Tribe community certificates was to be done only for those who had obtained employment



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under the quota for Scheduled Tribe category during or after 1995 and therefore, the impugned proceedings has no legal sanctity. It was also pointed out that the inordinate delay of about 40 years without going into the antecedents of the petitioner is arbitrary and unsustainable in law. It was further contended that the Tahsildar, Avinashi in his reply dated 03.04.2018 to the Vigilance Cell had mentioned that the records of the year 1980 pertaining to Community Certificate were not traceable and penalising the petitioner for not preserving the old records is unjustifiable. Further, it was argued that the constitution of the first respondent committee itself was not in accordance with the guidelines set out in *Kumari Madhuri Patil* case (cited supra). It was contended that the second member of the said committee was not in a competent position to be a member. The provisional pension which was being paid till December 2021 was also stopped, after the receipt of the impugned order, and the terminal benefits due to the petitioner was already withheld by the third respondent and thus causing untold suffering and hardship to the petitioner in his old age, it was contended. The learned counsel therefore prayed for quashing the impugned order and granting



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6.Per contra Mr.P.Gurunathan, learned Additional Government Pleader contended that due care was taken in verification of the petitioner's community and it was only after making thorough enquiries, the Deputy Superintendent of Police, Social Justice and Human Rights Wing, SC/ST Vigilance Cell, Coimbatore District submitted an enquiry report which was again presented to the petitioner on 14.02.2021 and his deposition on the same was also obtained before the first respondent committee and the first respondent committee concluded the community status of the petitioner. It was also contended by him that the first respondent committee had followed proper procedure and no bias or illegality can be alleged against the committee since the facts and circumstances of each case is different and any decision taken by the committee is totally based on such facts and circumstances. According to the learned counsel, obtaining a bogus community certificate and getting a job based on the certificate is a serious offence because the constitution



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had provided for reservation for the marginalised section of the society and such instances of bogus certificate definitely deprives a genuine candidate of his opportunity for employment. Therefore, it was contended that the instant petition has no merits and is liable to be dismissed in limine.

7.This is one of the many instances of the alleged bogus community certificate based on which the employment in Government sector was obtained. This Court is flooded with such petitions and counter claims. Now going into the facts of the present case, it is true that the original community certificate issued to the petitioner by the Tahsildar, Avinashi, Coimbatore District was in the year 1980. It is also true that based on this certificate, the petitioner was able to procure an employment as Khalasi in the third respondent's Institute. Until 2014, the third respondent presumably did not have any doubt or problem with the community certificate submitted by the petitioner. In fact, it can also be seen that his first promotion was in 1999 which is understandable. But his second promotion in 2020 that too when his community certificate is



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being probed into, defies logic.

8.It is pertinent to mention that the State Level Scrutiny Committee has not only relied on the Vigilance Officer's Report alone. Though the vigilance report is elaborate and has cited not just one evidence to hold that the petitioner does not belong to the Scheduled Tribe Community of Konda Reddy, the anthropologist's report is also found to be in tune with the findings of the Vigilance Report. A careful Scrutiny of the vigilance report reveals and poses a very tricky question as to how the brother and daughter of the petitioner can belong to a different community i.e. Reddy community (Ganjam) while the petitioner alone belongs to Konda Reddy community. The sister of the petitioner belongs to Handi community. Such discrepancies are glaring and go against the claim of the petitioner. The petitioner's contention that more than four decades has elapsed and therefore, the impugned order becomes time barred does not carry much conviction. This is because the reservation policy as such is a matter of pride for our diversity and any exploitation or misuse even if detected late cannot be a justification for such misuse. It



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is true that there was no scientific methods to determine the caste or community of any citizen of India till a few decades back. But now with the system in place covering all the aspects and facts to go into the genuineness of anyone's claim of belonging to SC/ST nothing much can be alleged against such committees which are intended only to weed out the unscrupulous elements who misuse the provisions of the Constitution. Therefore, we find no reason to sit in judgment or examine the full-fledged report of the Vigilance Committee and State Level Scrutiny Committee.

9.In the result, this Writ Petition is dismissed. No costs.
Consequently, connected Writ Miscellaneous Petitions are closed.

(V.M.V.,J.) (R.H.,J.)
10.03.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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Pre-delivery Order in
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