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W.P.No. 13792 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 13792 of 2022

and W.M.P.Nos. 13084 and 13086 of 2022

L. Ramalingam

..Petitioner

Vs.

1. The Tamil Nadu State Level Scrutiny Committee-III
Rep. by its Chairman
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai-600009

2. The Deputy Zonal Manager
UCO Bank
Chennai-1

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified mandamus, to call for the records relating to the order passed by the Tamil Nadu State Level Scrutiny Committee-III in proceedings No.19829/CV-6/2014-10 dated 11.04.2022 on the file of the 1st respondent,

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quash the same and direct the 2nd respondent to extend all the terminal benefits to the petitioner.

(Prayer amended as per order dated 06.12.2023 in W.M.P.No.31108 of 2022 in W.P.No.13792 of 2022 by JNBJ & NMJ)

For Petitioner : Mr. S.Doraisamy
For Respondents : Mr.Stalin Abhimanyu for R1
Additional Government Pleader
Mr. Srinath Sridevan for R2

ORDER

(Order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed to quash the order passed by the 1st respondent/Tamil Nadu State Level Scrutiny Committee-III in proceedings No.19829/CV-6/2024-10 dated 11.04.2022 and to direct the 2nd respondent to extend all the terminal benefits to the petitioner.

2. The case of the petitioner is that he belongs to Kurumans Community, which is a Schedule Tribe Community and he obtained the said community certificate from the Tahsildar, Purasawakkam-Perambur Taluk on 04.02.1976, after due enquiry and proper verification. Based on the said



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certificate, he got appointment in UCO Bank through employment exchange as a Peon. Thereafter, the 2nd respondent insisted him to produce the fresh community certificate. As per the said request, the petitioner had obtained another community certificate from the P.A.(G) to the Collector, Chennai (Competent Authority) on 29.09.1993 based on the community certificate already issued to him by the Tahsildar, Purasawakkam-Perambur Taluk. However, the 2nd respondent not satisfying with the above certificate, requested the 1st respondent/ State Level Scrutiny Committee to verify the genuineness of his community certificate dated 29.09.1993 without referring the community certificate dated 04.02.1976 issued by the Tahsildar. While so, he got retired from service on 31.07.2013. After his retirement from service, the 1st respondent committee referred the matter to the Vigilance Cell, Chennai as well as to the Anthropologist. During the Vigilance Enquiry by the Deputy Superintendent of Police, he submitted the following documents:

- (i). Petitioner's community certificate
- (ii). Community certificate of his own brother's son C.Suresh S/o Chinnathamman.



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(iii). Community certificate and State Committee report of R.Panneer

Selvan who is his own brother Chinnathamman's brother in law's son.

(iv). Community certificate and State Committee report of his maternal uncle son T.L.Vijayakumar.

(v) School T.C. Of his brother's son C.Suresh in which it is mentioned as Kurumans(ST).

However, the Vigilance Cell without considering the aforesaid documents and the genuineness of the petitioner's own brother Chinnathamman's brother-in-law's son R.Panneerselvam's community certificate, concluded that he belongs to Kurumbar @ Kurumba Gounder Community (MBC).

3. Pursuant to which, the State Level Scrutiny Committee/1st respondent had cancelled the petitioner's community certificate based on the said vigilance cell report by relying that there is no Scheduled Tribe people are living in the Tripupathur Taluk and also the petitioner's school records, that he belongs to “kurumbar”.



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4. Learned counsel for the petitioner drew the attention of this Court to the judgment of this Court in W.P.No.25963 of 2013 while holding that there is no community such as Kurumbar, directed the Secretary to Government to instruct the certificate issuing authorities and the concerned authorities to refrain from issuing community certificate as Kurumbar and to recall the certificates already issued as Kurumbar and to rectify the mistake. Based on the above order, the Secretary to Government issued a circular in Letter No. 901/CV1/2014-1 dated 18.03.2014 to all the competent authorities to recall the certificates already issued as “Kurumbar”. However, the 1st respondent committee had cancelled the petitioner's community certificate dated 04.02.1976 without considering the State Level Committee's report of the petitioner's blood relatives and also fails to consider that several people of Tirupathur Taluk have obtained Kurumans (ST) Community Certificate and many of the community certificates were verified by the 1st respondent committee as genuine. Aggrieved by the same, the present writ petition.



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5. The learned counsel appearing for the respondent on the other hand supported the impugned order stating that the petitioner and the family members of the petitioner belong to Kurumbar MBC Community.

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

7. In the instant case, it is seen that the 1st respondent committee rejected the community certificate of the petitioner on the ground that the petitioner and his family members belong to Hindu Kurumbar Most Backward Class community. In this regard, the Judgment of the Hon'ble Division Bench of this Court in W.P.No.25963 & 25964 of 2013 can be usefully referred to. The Hon'ble Division Bench in the aforesaid writ petitions held as follows:

“8.We find much force in the plea made by the petitioners that the competent authority has relied upon the community “Kurumbar” for rejecting the application for Scheduled Tribe community certificate and we once again reiterate that the competent authority is not entitled to



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refer to the name of “Kurumbar” (MBC) for the purpose of deciding the claim for issuance of Scheduled Tribe Community Certificate. Even assuming that there are certificates issued in favour of one or other persons bearing the name of “Kurumbar” with or without MBC tag, the authority shall independently verify the claim as to whether the petitioner falls under the Scheduled Tribe community on the basis of relevant materials that would

be submitted by the petitioner in the relevant case and also shall follow the procedures prescribed in G.O. Ms. No.106 dated 15.10.2012. The Director of Adi Dravidar and Tribal Welfare Department is directed to inform all the competent authorities to cease and desist from referring to the name of the community as “Kurumbar” (allegedly said to be MBC) for the purpose of deciding any claim whatsoever.”

8. It is further to be noted that the Hon'ble Division Bench of this Court in W.P.No.1807 of 2013, while setting aside the certificate that the candidates belong to Kurumans Community directed the Revenue Divisional Officer to issue the Community Certificate that the candidate belong to Kurumans Scheduled Tribe Community. It is further relevant to note here that



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in pursuance of the Judgment of the Hon'ble Division Bench of this Court in W.P.Nos.25963 & 25964 of 2013, the Secretary to Government issued a circular in letter No.901/CV1/2014-1 dated 18.03.2014 to all the competent authorities to recall the certificates already issued as Kurumbar. The learned counsel for the petitioner is therefore justified in his submission that there is no community as Kurumbar community and hence, the cancellation of the petitioner's community certificate by the 1st respondent stating that the petitioner belongs to Kurumbar community is untenable and erroneous.

9. In spite of the aforesaid order of the Hon'ble Division Bench of this Court, the respondent has rejected the petitioner's community certificate on a flimsy and untenable grounds. It is pertinent to note that the petitioner's close relative was also issued with the Kurumans Scheduled Tribe Community Certificate, which was verified by the State Level Scrutiny Committee. Therefore, we are of the view that the impugned order cannot be sustained and the same is liable to be set aside.

10. Accordingly, the impugned order dated 11.04.2022 is hereby



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set aside and the writ petition is allowed. The 2nd respondent is directed to extend all the terminal benefits to the petitioner in accordance with law.

The said exercise shall be done within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
06.12.2023

Index : Yes / No
Speaking Order : Yes/No
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Neutral Citation: Yes/No
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To

1. The Chairman
Tamil Nadu State Level Scrutiny Committee-III
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai-600009

2. The Deputy Zonal Manager
UCO Bank
Chennai-1

J.NISHA BANU,J.
And

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N.Mala,J.

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