



WEB COPY



W.P.No.16778 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

and

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

Writ Petition No.16778 of 2018
and W.M.P.Nos.19962 & 19963 of 2018

V.Ranganathan

.. Petitioner

Vs.

1. The Tamil Nadu State Level Scrutiny Committee,
Rep. by Chairman,
Secretariat,
Chennai – 9.
2. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 9.
3. The Director of Tribal Welfare cum
Member/Secretary,
Tamil Nadu State Level Scrutiny Committee,
Directorate of Tribal Welfare,
Chepauk,
Chennai – 5.
4. The Assistant Commissioner of Police,
Social Justice & Human Rights Wing/
SC/ST Vigilance Cell,
Coimbatore City,
O/o. The Commissioner of Police,
Coimbatore City,
Coimbatore.

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari calling for records pertaining to the impugned show cause notice dated 04.06.2018 in Na.Ka.No.Pa.Me/B1/5450/2017 on the file of the third respondent; impugned report in Na.No.21/AC/SC/ST – Vigilance Cell/Cbe City/2017 dated05.2018 (undated) on the file of the fourth respondent with his signature dated 23.03.2018 and the letter No.3352/CV4/2014-1, dated 23.08.2017 on the file of the second respondent and quash the same.

For Petitioner : Mr.N.Naganathan

For R1 to R4 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

(Order of the Court was delivered by V.M.VELUMANI,J.)

The petitioner has come out with the present Writ Petition to quash the show cause notice dated 04.06.2018 of the third respondent; impugned report dated05.2018 (undated) of the fourth respondent with his signature dated 23.03.2018 and the letter dated 23.08.2017 on the file of the second respondent.

2. According to the petitioner, he belongs to 'Hindu Konda Reddy Scheduled Tribe' community. The Tashildar, Coimbatore had



issued community certificate to the petitioner that the petitioner belongs to Konda Reddy community on 05.11.1980. Subsequently, the Judicial I Class Magistrate also issued ST community certificate on 19.03.1982. The petitioner joined in Indian Overseas Bank as Clerk under the Schedule Tribe quota on 20.07.1982.

3. While so, his community certificate was sent for verification to the State Level Scrutiny Committee. The fourth respondent in the month of February 2018, obtained statement from the petitioner. The petitioner produced all the records to show that he belongs to Hindu Konda Reddy community. While so, the petitioner received impugned show cause notice dated 04.06.2018 issued by the third respondent calling upon the petitioner to submit explanation for the report of the fourth respondent dated05.2018. Challenging the letter dated 23.08.2017, sent by the second respondent to the third respondent, the report of the fourth respondent and the show cause of the second respondent, the petitioner has come out with the present Writ Petition.

4. The learned counsel appearing for the petitioner submitted that when the summons were issued to the petitioner for appearing



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enquiry, the petitioner filed Criminal Original Petition in Crl.O.P.No.9156 of 2018 and this Court granted interim stay of all further proceedings. In spite of such interim stay, the fourth respondent has conducted enquiry and submitted report which amounts to contempt of Court.

5. The learned counsel appearing for the petitioner further submitted that the fourth respondent conducted enquiry examining the witnesses after interim stay granted by this Court and in order to escape from the contempt proceedings, has ante-dated the report as though it was signed on 23.03.2018. The report of the fourth respondent is non-application of mind and the fourth respondent has given report on surmises and prayed for allowing this Writ Petition.

6. The third respondent filed counter affidavit. In the counter affidavit, the third respondent has not denied the discrepancies of date in the report of the fourth respondent.

7. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 4 and perused the entire materials on record.



8. From the above materials, it is seen that the genuineness of the community certificate produced by the petitioner is being verified.

The statement of the petitioner was recorded and according to the petitioner, he had produced the documents to prove the genuineness of the caste certificate. When the summons dated 15.02.2018, was issued to the petitioner by the fourth respondent, the petitioner filed CrI.O.P.No.9156 of 2018 and this Court by an order dated 23.03.2018 granted interim stay of all further proceedings. After filing the Criminal Original Petition and the order of interim stay, the petitioner filed the present Writ Petition.

9. According to the learned counsel appearing for the petitioner, the fourth respondent conducted enquiry in spite of interim stay granted by this Court in Criminal Original Petition and ante-dated the report as though the report was prepared and signed on 23.03.2018. When the Criminal Original Petition came up for final hearing, this Court taking note of the report filed by the fourth respondent, closed the Criminal Original Petition after giving liberty to the petitioner to agitate his right in this Writ Petition. On perusal of the report of the fourth respondent, it is seen that there is some suspicion with regard to date of



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the report whether it is dated 23.03.2018 or05.2018. It is to be taken note of show cause notice is dated 04.06.2018.

10. Considering the above facts, the impugned show cause notice and the report of the fourth respondent are set aside. The fourth respondent is directed to conduct fresh enquiry and submit report within period of six months. It is open to the respondents 1 & 2 to proceed further based on the report of the fourth respondent, after giving opportunity to the petitioner to submit his explanation and personal hearing and decide the matter on merits. The petitioner has also sought for setting aside the letter dated 23.08.2017 of the second respondent. When the genuineness of the community certificate is being verified, the petitioner is not entitled for the said relief.

11. Accordingly, this Writ Petition is partly allowed. Consequently, connected miscellaneous petitions are closed. No costs.

(V.M.V., J) (V.L.N., J)
29.03.2023

Index : Yes / No
Neutral Citation : Yes / No
rts



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Chennai – 9.
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Government of Tamil Nadu,
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Chennai – 9.
3. The Director of Tribal Welfare cum
Member/Secretary,
Tamil Nadu State Level Scrutiny Committee,
Directorate of Tribal Welfare,
Chepauk,
Chennai – 5.
4. The Assistant Commissioner of Police,
Social Justice & Human Rights Wing/
SC/ST Vigilance Cell,
Coimbatore City,
O/o. The Commissioner of Police,
Coimbatore City,
Coimbatore.
5. The Public Prosecutor,
Madras High Court,
Chennai.



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**V.M.VELUMANI,J.
and
V.LAKSHMINARAYANAN,J.**

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