



W.P.No.16921 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order reserved on 16.10.2023

Order delivered on 01.11.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.16921 of 2020
and
W.M.P.No. 20998 of 2020

Union of India,
Southern Railway,
Rep. By Deputy Chief Personal Officer
(I.R. & Training), Head Quarters Office,
Personnel Branch,
Southern Railways,
Chennai.

.... Petitioner

VS

1. Tamilnadu State Level Scrutiny Committee-II,
Rep. by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Third Floor,
Chennai.

2. V.Kowsalya Devi,
D/o P.Veeraraju.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the 1st respondent in Proceedings No.963/CV-III/2009 dated 20.12.2019 and quash the same and further direct the 1st respondent to conduct due and proper enquiry afresh regarding the community status of the 2nd respondent.

For Petitioner : Mr.P.T.Ramkumar

For Respondents : Mr.S.Mythreye Chandru,
Special Government Pleader for R1
Mr.S.Doraiswamy for R2

ORDER

(Order of the Court was made by J.NISHA BANU, J.,)

This Writ Petition has been filed challenging the order passed by the 1st respondent/State Level Scrutiny Committee dated 20.12.2019, by which, the 1st respondent has given a finding that the community certificate(ST Kattunayakan community) of the 2nd respondent as genuine and further direct the 1st respondent to conduct due and proper enquiry afresh regarding the community status of the 2nd respondent.

2. The brief facts of the case is that the 2nd respondent was appointed as Junior Typist in Southern Railways on 18.12.1986 against the vacancy reserved for Scheduled Tribe on the basis of the community certificate issued



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by Tahsildar, Usilampatti. She was also given promotion based on the said community status. A complaint was received in the year 1999 by Vigilance Branch of Southern Railways alleging the the 2nd respondent belong to Naidu community and not Scheduled Tribe Kattunayakan community. In the course of enquiry, it was ascertained that the father of the 2nd respondent was a retired employee from the Tamil Nadu Fire Service, Chennai and it was found that the father of the 2nd respondent belongs to Hindu Naidu community as per his service records. An enquiry was conducted by the Revenue Divisional Officer, Usilmpatti and he submitted a report dated 17.05.2003 stating that the community certificate issued by the said Tahsildar is not genuine and requested the District Collector to cancel the said certificate. The 2nd respondent did not appear before the District Level Committee and prolonged the proceedings. In the meanwhile, this Court quashed the order of the District Level Committee, by order dated 27.07.2005 in W.P.No.19787 of 2004, following Kumari Madhur Patil case, without prejudice to any action in future to be taken by the concerned authority. But there was no progress for the next four years. Vide letter dated 09.01.2009, the petitioner requested the Secretary, Adi Dravidar and Welfare Department to initiate action to verify the genuineness of the community produced by the 2nd respondent. From



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2014 to 2019, the 2nd respondent did not attend enquiry before the State Level Scrutiny Committee (SLSC) and was dragging the proceedings. Thereafter, by order dated 20.12.2019, the SLSC has given finding that the ST community certificate issued to 2nd respondent as genuine. Hence, the present writ petition.

3. Learned counsel for the petitioner would submit that the 1st respondent/ State Level Scrutiny Committee has failed to consider the various documents produced by the Railway Administration, being an employer, which would clearly establish the fact that the 2nd respondent does not belong to 'Kattunayakan' Scheduled Tribe Community. The 1st respondent has not considered the records submitted by the Railways regarding the service particulars of the father of the 2nd respondent which disclosed that he belongs to Hindu Naidu Community which is Backward Class community and not Scheduled Tribe. He would further submit that the Revenue Divisional Officer, Usilmpatti in his report dated 17.05.2003, has given a finding that the ST community certificate issued by the then Tahsildar, Usilampatti in the year 1982 is false and the 2nd respondent belongs to Hindu Vadugan community. The 1st respondent has relied on the ST community certificate issued to V.Dhara Devi, sister of the 2nd respondent and not considered the report dated



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17.05.2003 of the RDO, Usilampatti. Learned counsel would further submit that the 1st respondent/SLSC has relied upon the report given by the Anthropologist associated with the District Vigilance, but there is no mention in the impugned order regarding the findings of the Revenue Divisional Officer, Usilampatti in his report dated 17.05.2003.

4. Learned Special Government Pleader would state that the Scrutiny Committee, which is an administrative body had investigated into the claim and ascertained the community status of the 2nd respondent as genuine. The Anthropologist has also opined that the 2nd respondent belongs to Scheduled Tribe community called 'Kattunayakan'. Therefore, the order passed by the 1st respondent need not be interfered with.

5. (i) Learned counsel appearing for the 2nd respondent would submit that an enquiry was conducted by the Revenue Divisional officer, Usilmpatti and had submitted a report dated 17.05.2003 stating that the community certificate issued by the said Tahsildar is not genuine and requested the District Collector to cancel the community certificate of the 2nd respondent. The RDO has no independent authority to verify the caste certificates and he has no authority to make a recommendation to the State Level Scrutiny Committee to cancel the certificate. When the genuineness of the certificate



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issued to the father of the petitioner is disputed, the only course open to the RDO is to send the certificate for verification to the Scrutiny Committee. The State Level Scrutiny Committee is not bound by the report submitted by the RDO. The Vigilance report was given in favour of the 2nd respondent and the State Level Scrutiny Committee have rightly passed an order confirming the genuineness of the social status of the 2nd respondent that she belongs to Kattunayakan (ST) community. Learned counsel for the 2nd respondent would further state that though the State Level Scrutiny Committee confirmed the community certificate of the 2nd respondent, no benefit such as increment, promotion and other benefits are extended to her till date by the Railways. The 2nd respondent's juniors were promoted and still she is working as Senior Clerk.

6. We have considered the submissions made on either side and perused the materials available on record.

7. The main contention of the petitioner is that the report of the RDO, Usilmapatti dated 17.05.2003 has not been considered by the 1st respondent committee. The two member District Committee has no power to enquire into the verification of community certificate. Therefore, the report submitted by the RDO, Usilampatti dated 17.05.2003 to the Two Member District



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Committee is not valid. The 2nd report issued by the RDO, Usilampatti dated 17.08.2015 is based upon the request made by the present State Level Scrutiny Committee and in the 2nd report, an open enquiry was conducted. After analysing various aspects, the RDO sent a report to the State Level Scrutiny Committee dated 17.08.2015 stating that the community certificate issued to the 2nd respondent by Tahsildar, Usilampatti dated 22.07.1982 is genuine. Further, the 1st respondent had referred the matter to the DSP, Vigilance Cell, Madurai as well as to the Anthropologist. The Vigilance Cell Officer and Anthropologist conducted local and field visit enquiry in the village and found that the claim of the 2nd respondent is genuine vide proceedings dated 18.01.2019. Thereafter, the 1st respondent issued notice to 2nd respondent to appear for enquiry and the 2nd respondent also appeared for enquiry on 16.12.2019. After enquiry, the 1st respondent Committee, considering all the aspects and the report of the DSP and anthropologist and the report of the RDO, passed a detailed final order dated 20.12.2019 that the community certificates dated 22.07.1982 and 25.09.2015 obtained by the 2nd respondent are genuine. The core function of the Scrutiny Committee, in verification of the Caste Certificates, is the investigation carried on by its vigilance cell. Once the Vigilance report is in favour of a candidate, the State



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Level Scrutiny Committee has to pass an order confirming the genuineness of the community certificate of the candidate. In the present case, the Vigilance report is in favour of the 2nd respondent and the State Level Scrutiny Committee has passed an order confirming the same.

8. Further, as per the judgment reported in 2012 W.L.R. 474 (*P.Vinoth vs. The Sub Collector, Ranipet*), '*The State Level Scrutiny Committee is not bound by the report submitted by the Revenue Divisional Officer. The Committee is expected to consider the matter on the basis of the available materials. Merely because the Revenue Divisional Officer has recommended for cancelling the certificate, the State Scrutiny Committee is not obliged to invalidate the certificate. The authority should exercise its powers independently and without reference to such recommendations*'. Therefore, the power to go into the genuineness or cancellation of the community certificate is not conferred either on the RDO or on the District Collector. The State Level Scrutiny committee, after carefully and independently examining the available records submitted by the 2nd respondent, the report of the Revenue Divisional Officer, Madurai, the report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing and SC/ST Vigilance Cell, Madurai, deposition of the 2nd respondent and also considering the views of



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the Anthropologist, had passed the order dated 20.12.2019, confirming that the 2nd respondent belongs to Kattunayakan (ST) community.

9. In view of the above, we are of the opinion that there is no need for fresh enquiry regarding the community status of the 2nd respondent. Therefore, we are not inclined to interfere with the order passed by the 1st respondent dated 20.12.2019. The Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
01.11.2023

vsi

Index : Yes / No

Internet : Yes / No

Neutral citation : Yes / No

To

The Chairman,
Tamilnadu State Level Scrutiny Committee-II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Third Floor Secretariat,
Chennai.



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J. NISHA BANU, J.
and
N.MALA, J.

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To

The Honourable Mrs.Justice J.NISHA BANU

**Most respectfully submitted
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P.A.**