



Writ Petition No.30097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.30097 of 2023

and

W.M.P.No.29721 of 2023

D.Tamizhselvan
S/o.Thiru.Deivasigamani

... Petitioner

Vs.

1. The Chief Secretary to Government
Tamil Nadu Government
Secretariat, Chennai-9.
2. The Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai-9.
3. The Secretary
Human Resources Management Department
Secretariat, Chennai-9.
4. Tmt.J.Rekha Priyadharshini
Member
Tamil Nadu State SC/ST Commission,
Chennai-2.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the entire records relating to the order in G.O.(Ms)No.101, Adi Dravidar and Tribal Welfare (ADW-6) Department dated 02.08.2023 passed by the 2nd respondent herein and to quash the same and consequently, direct the 2nd respondent to appoint the petitioner as Member to the Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes.

For Petitioner : Mr.M.Kempuraj
For Respondents : Mrs.V.Yamuna Devi
Special Government Pleader
for R1 to R3

ORDER

This Writ Petition has been filed seeking for Certiorarified Mandamus to call for the entire records relating to the order dated 02.08.2023 in G.O.(Ms)No.101, Adi Dravidar and Tribal Welfare (ADW-6) Department passed by the 2nd respondent herein and to quash the same and consequently, to direct the 2nd respondent to appoint the petitioner as Member to the Tamil Nadu State Commission for Scheduled Castes and Scheduled Tribes.



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2. Mrs.V.Yamuna Devi, learned Special Government Pleader accepts notice for respondents 1 to 3. By consent of both sides, the main writ petition is taken up for final disposal at the admission stage itself.

3. The case of the writ petitioner in a nutshell is as follows:

3.1. The writ petitioner is a social worker and catering to the needs of the welfare of the Scheduled Castes and Scheduled Tribes, he is rendering service for the past 30 years and he is also recognized by the National Commission for Scheduled Castes. By virtue of announcement made by the Hon'ble Chief Minister of Tamil Nadu, 'The Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes Act, 2021' [hereinafter 'said Act' for the sake of convenience] was enacted and the same was also passed in the Legislative Assembly on 13.10.2021. Subsequent to the passing of the above said Act, G.O.(Ms)No.71, Adi Dravidar and Tribal Welfare (ADW-6) Department dated 13.10.2021 was issued, wherein orders have been issued for constitution of selection committee consisting of the Principal Secretary to Government, Adi Dravidar and Tribal Welfare



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Department and the Secretary to Government, Human Resources Management Department under the Chairmanship of the Chief Secretary, Tamil Nadu Government for selection of the Chairperson, Vice-Chairperson and Members to the 'Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes' [hereinafter 'said Commission' for the sake of convenience]. Pursuant to the above, the Government of Tamil Nadu vide G.O.(Ms)No.73, Adi Dravidar and Tribal Welfare (ADW6) Department dated 15.10.2021 has appointed the following persons as the Chairperson, Vice-Chairperson and the Members of the said Commission:

S.No.	Name and Designation	Caste
1.	Hon'ble Mr.Justice P.R.Shivakumar, Chairperson	Devendrakula Velalar
2.	Thiru.M.Punitha Pandiyan, Vice Chairperson	Hindu Adi Dravida
3.	Thiru.S.Kumara Devan, Member	Hindu Adi Dravida
4.	Tmt.K.M.Leelavathi Thanaraj, Member	Scheduled Tribes Malai Kudiya
5.	Thiru.P.Ilanchezhian, Member	Devendrakula Vellalar Pallan
6.	Dr.K.Ragupathi, Member	Hindu Adi Dravida

3.2. Considering the social service rendered by the writ petitioner for



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the past 30 years to the downtrodden people such as Scheduled Castes and Scheduled Tribes, on 02.05.2023, 10.05.2023 and 23.06.2023, a recommendation was made by the Vice-Chairman, National Commission for Scheduled Castes to nominate the writ petitioner herein as a Member of the said Commission. All of a sudden, the fourth respondent namely, Tmt.J.Rekha Priyadharshini, was appointed as a Member of the said Commission vide G.O.(Ms) No.101, Adi Dravidar and Tribal Welfare (ADW-6) Department dated 02.08.2023. Aggrieved against the same, the writ petitioner sent a representation dated 21.08.2023 to all the respondents herein which was duly acknowledged on the same day but as on date, there is no reply from the respondents. Hence, the petitioner is before this Court by way of filing the present writ petition.

4. Learned counsel for writ petitioner submitted that the constitution of the said Commission is not in consonance with the very purpose of enactment of the said Act. Learned counsel further submitted that the second respondent had failed to follow the guidelines issued in



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G.O.(Ms)No.46, Adi Dravidar and Tribal Welfare (ADW-6) Department dated 20.06.2022 which states that "Two social workers belonging to the organization working for the prohibition of manual scavenging and rehabilitation of the manual scavengers or representing the scavengers community resident in the sub division to be nominated by the District Magistrate, one of whom shall be a woman".

5. Learned Special Government Pleader submitted that as per G.O.(Ms)No.101, Adi Dravidar and Tribal Welfare (ADW6) Department dated 02.08.2023, Government of Tamil Nadu have appointed the fourth respondent as Member of the said Commission in accordance with the said Act and the member so appointed shall hold office for such period not exceeding three years and shall be eligible for renomination for a second term. When that being so, the writ petition filed by the petitioner questioning the impugned order appointing the fourth respondent as Member of the said Commission and to appoint the petitioner as Member is not maintainable and the same may be dismissed.



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6. As rightly submitted by the learned Special Government Pleader, the fourth respondent, who has been appointed as Member of the said Commission vide impugned order also belongs to Scheduled Caste community and this Court does not find any illegality in the appointment of fourth respondent. Further, the petitioner cannot challenge the impugned order as the same has been passed in consonance with the said Act and the petitioner cannot claim, as a matter of right, to appoint him as a Member of the Commission merely because he belongs to the Scheduled Caste Community and on the basis of the recommendation made by National Commission for Scheduled Caste which has been rejected by the Government.

7. In the light of the above facts and circumstances, this Court does not find any perversity or illegality in the impugned order passed by the second respondent and hence, this writ petition is liable to be dismissed.



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8. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To

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2. The Secretary to Government
Adi Dravidar and Tribal Welfare Department
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V.BHAVANI SUBBAROYAN., J



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