



W.P.No.28680 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.11.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.28680 of 2022
and W.M.P.Nos.27964 and 34636 of 2022**

M.Dharmalingam

... Petitioner

.Vs.

1.The Tamil Nadu State Level Scrutiny Committee-III
Adi Dravidar and Tribal Welfare Department (CV-5)
Namakkal Kavingar Maligai
Secretariat, Chennai-600 009
Rep. By its Chairman

2.The Director of Tribal Welfare Department
Chepauk, Chennai-600 005
Respondents

...

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari calling for the records relating to the enquiry notice in Letter No.9216/CV-4(2)2014-7, dated 17.10.2022 on the file of the 1st respondent, quash the same.

For Petitioner : Mr.V.Elangovan



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For respondents : Mrs.R.L.Karthika, Govt.Advocate

ORDER

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

This writ petition is filed by the petitioner praying to quash the enquiry notice dated 17.10.2022. whereby, the petitioner was called to appear before the State Level Scrutiny Committee, for verification of “Kondareddis” Scheduled Tribe Community Certificate.

2. It is averred in the writ petition that the petitioner appeared for the selection to the Post of Clerk cum Typist in the Syndicate Bank. The petitioner was selected and appointed as a Clerk cum Typist on 11.01.1979 under the reserved quota for the Scheduled Tribe. The petitioner would state that the Bank Management referred the matter to the District Collector, Coimbatore for verification of the genuineness of the community certificate. After verification, the Collector, cancelled the community certificate on 19.05.1998. As against the said cancellation, the petitioner filed appeal and the same is pending.



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3. According to the petitioner, he got retired from service on 30.04.2012 and the appeal is still pending. The 2nd respondent issued a show cause notice to the petitioner for an enquiry to be held on 31.10.2022. The learned counsel for the petitioner would contend that the petitioner served in the bank for 38 years and attained superannuation. As of now, no purpose will be served in verifying the community certificate of the petitioner. The petitioner is now 70 years old and at this stage, verification of his community status is uncalled for.

4. The learned counsel for the petitioner filed an undertaking affidavit of the petitioner before this court. The undertaking given by the petitioner is as under:-

“ 2. I state that I filed the above writ petition challenging the enquiry notice issued by the 1st respondent Letter No.9216/CV-4(2)2014-7, dated 17.10.2022.

3. I state that I undertake that I will not claim



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reservation benefit based on my community certificate in

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future or use the certificate as proof for my family members.”



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5. At the time of admission of this writ petition, this court observed that since the enquiry by the State Level Scrutiny Committee is attempted to be done after 19 years from the date of the first verification, there will be an order of interim stay of all further proceedings before the State Level Scrutiny Committee until further orders.

6. Taking into consideration the facts and circumstances of the case and the affidavit filed by the petitioner, we are inclined to record the undertaking affidavit filed by the petitioner and set aside the impugned show cause notice dated 17.10.2022. Accordingly, the writ petition stands disposed of in terms of the undertaking affidavit of the petitioner dated 07.11.2023. The impugned show cause notice dated 17.10.2022 is quashed. No costs. Consequently, connected WMPs are closed.

(J.N.B, J.) (N.M., J.)
08.11.2023



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To

1.The Chairman, Tamil Nadu State Level Scrutiny Committee-III
Adi Dravidar and Tribal Welfare Department (CV-5)
Namakkal Kavingar Maligai
Secretariat, Chennai-600 009

2.The Director of Tribal Welfare Department
Chepauk, Chennai-600 005



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

nvsri

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