



W.P.Nos.29545 of 2022, 2816 of 2021,
2442 of 2017 & 42925 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

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THE HON'BLE MS.JUSTICE V.M.VELUMANI

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

W.P.Nos.29545 of 2022, 2816 of 2021,
2442 of 2017 & 42925 of 2016 and
W.M.P.Nos.36815 of 2016 & 2439 of 2017

M.Ulagappan .. Petitioner in
W.P.Nos.29545 of 2022
& 2816 of 2021

Tamizhpavai.U .. Petitioner in
W.P.Nos.2442 of 2017
& 42925 of 2016

VS

1. The Chairman
State Level Scrutiny Committee II
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.

2. The Revenue Divisional Officer .. Respondents in
Dharmapuri. W.P.No.29545 of 2022

1. The Chairman
State Level Scrutiny Committee II
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.



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

3. The Deputy Superintendent of Police
SC/ST Vigilance Cell
Social Justice & Human Rights Wing
Dharmapuri.

4. The Revenue Divisional Officer
Dharmapuri.

Respondents in
W.P.No.2816 of 2021

1. State Level Scrutiny Committee
Rep by the Chairman & Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.

2. The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

3. The Divisional Head / Client Relations
Institute of Banking Personnel Selection
IBPS House, 90 Feet, DP Road
Near Thakur Polytechnic, Off Western Express Highway
Post Box No.8587, Kandivali (E), Mumbai 400 101.

4. The Executive Director
Indian Overseas Bank
763, Anna Salai, Chennai 600 002.

Respondents in
W.P.No.2442 of 2017

1. State Level Scrutiny Committee
Rep by the Chairman & Secretary to Government
Adi Dravidar and Tribal Welfare Department
Secretariat, Chennai 600 009.



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2. The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.

3. The General Manager (HRM.HRD)
Indian Bank – Corporate Office
254-260, Avvai Shanmugam Salai
Pudupet, Gopalapuram
Chennai 600 014.

4. The Zonal Manager
Zonal Office, Indian Bank
Dharmapuri 636 701.

Respondents in
W.P.No.42925 of 2016
..

Prayer in W.P.No.29545 of 2022: Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondent No.2 to issue a community certificate to the petitioner's daughter U.Tamizhpavai to the effect that she belongs to “Kurumans” Scheduled Tribe within a reasonable time as may be fixed by the Hon'ble Court;

Prayer in W.P.No.2816 of 2021: Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of Certiorari, calling for the records in the order bearing Letter No.10875/CVIII/2017-15 dated 30.12.2020 passed by the respondent No.1 and quashing the same;



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Prayer in W.P.No.2442 of 2017: Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents 3 & 4 to permit the petitioner (IBPS CWE-PO/MT-VI Registration No:1471648523:IBPS CWE-PO/MT-VI Roll Number:2830502115: Category ST) to attend the interview for the post of Probationary Officer / Management Trainee in participating Organizations scheduled to be held on 03.02.2017 without insisting on the petitioner to produce a Scheduled Tribe Certificate, and further directing respondents 3 & 4 to appoint the petitioner provisionally to the said post in the event of her success in the interview;

Prayer in W.P.No.42925 of 2016: Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents 3 & 4 to permit the petitioner (Roll No./USER ID:2880300384 & Registration No:1420236934) to participate in the process of verification and submission of documents scheduled to be held on 13.12.2016 and consequently appoint the petitioner in respondent No.3 Bank provisionally.

For the Petitioners in :Mr.M.Radhakrishnan
all W.Ps

For the Respondents in :Mr.E.Vijay Anand
W.P.No.29545 of 2022 & Additional Government Pleader



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For the Petitioners in
all W.Ps

:Mr.M.Radhakrishnan

W.P.No.2816 of 2021

For the Respondents in
W.P.No.2442 of 2017

Mr.E.Vijay Anand
Additional Government Pleader
for respondents 1 & 2

Mr.Venkatesh Prasad
for M/s.T.S.Gopalan & Co.
for respondents 3 & 4

For the Respondents in
W.P.No.42925 of 2016

Mr.E.Vijay Anand
Additional Government Pleader
for respondents 1 & 2

Mrs.Rita Chandrasekar
for Aiyer & Dolia
for respondents 3 & 4

COMMON ORDER

(Made by V. LAKSHMINARAYANAN, J.)

All the writ petitions were heard together pursuant to the order passed

by my lord, the Acting Chief Justice, on 08.03.2023.

2. W.P.No.42925 of 2016 has been filed for a direction to the respondents 3 and 4 therein to permit the petitioner (Roll No./USER ID:2880300384 & Registration No:1420236934) to participate in the



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process of verification and submission of documents, scheduled to be held on 13.12.2016 and to appoint the petitioner on provisional basis in the respondent No.3 Bank.

3. W.P.No.2442 of 2017 is also of a similar prayer. The petitioner sought for a direction to direct the respondents 3 & 4 to permit the petitioner (IBPS CWE-PO/MT-VI Registration No:1471648523:IBPS CWE-PO/MT-VI Roll Number:2830502115: Category ST) to attend the interview for the post of Probationary Officer / Management Trainee in Participating Organizations scheduled to be held on 03.02.2017 without insisting on the petitioner to produce a Scheduled Tribe Certificate and further directing respondents 3 & 4 therein to appoint the petitioner provisionally to the said post in the event of her success in the interview.

4. When these two matters were listed before the Hon'ble Mr.Justice P.D.Audikesavalu, the learned Judge found that the arguments raised in these writ petitions are inextricably connected with the writ petition filed in



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W.P.No.2816 of 2021 and therefore, felt it is appropriate that there shall be common adjudication in all the cases.

5. W.P.No.2816 of 2021 has been filed for the issuance of a writ of Certiorari, to call for the records on the file of the first respondent therein in its order bearing Letter No.10875/CVIII/2017-15 dated 30.12.2020 and to quash the same.

6. W.P.No.29545 of 2021 has been filed for a writ of Mandamus to direct the Revenue Divisional Officer, Dharmapuri, the second respondent therein, to issue a community certificate to the petitioner's daughter U.Tamizhpavai to the effect that she belongs to Hindu “Kurumans” Scheduled Tribe within a reasonable time fixed by the Court.

7. We heard Mr.M.Radhakrishnan, learned counsel for the petitioner in all the writ petitions, Mr.E.Vijay Anand, learned Additional Government Pleader, Mr.Venkatesh Prasad for M/s.T.S.Gopalan and Co. and Mrs.Rita



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Chandrasekar for M/s.Aiyer & Dolia.

8. We have gone through the records and passing this common order.

9. Mr.M.Ulagappan had applied for issuance of “Kurumans” Scheduled Tribe Community Certificate for his daughter. This was rejected by the Revenue Divisional Officer, Dharmapuri in his proceedings in Na.Ka.8486/2015/A4 dated 07.12.2015. The Revenue Divisional Officer took it upon himself to analyse the same and came to the conclusion that the relatives of the petitioner had obtained “Kurumba” MBC Certificate. Consequently, he rejected the prayer for grant of certificate. This order was challenged before this Court.

10. The petitioner filed W.P.No.15117 of 2016 before this Court, challenging the same. This Court, by its order dated 18.07.2016 in the said writ petition, directed the State Level Scrutiny Committee to verify the application and forward a report within a period of one month to the



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Revenue Divisional Officer and further directed the Revenue Divisional Officer to issue a certificate within a period of one month.

11. The Revenue Divisional Officer is said to have sent a report to the Government on 16.06.2017 and also the Director of Tribal Welfare forwarded a report to the Deputy Superintendent of Police on 14.12.2017. Thereafter, the petitioner filed W.P.Nos.19754 of 2020 and 2816 of 2021. According to the petitioner, the parents of the petitioner and the brother of the petitioner (Brother of M.Ulagappan and Uncle of Tamizhpavai) had been issued with the community certificate holding that they belong to the Hindu “Kurumans” Scheduled Tribe Community. Despite the said order, the State Level Scrutiny Committee has not considered the same and as such, she was not in a position to produce the same before the Indian Bank, the third respondent in W.P.No.42925 of 2016. The learned counsel for the petitioner invited the attention of this Court to the order passed in W.P.No.15117 of 2016, where under, the proceedings of the Revenue Divisional Officer was quashed. The same is extracted for ready reference:



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“17. In the instant batch of writ petitions, it could undoubtedly be seen that the petitioners have made a claim clearly indicating the fact that their relatives have already been issued with “Kurumans” Scheduled Tribe Community Certificate and this has not been appreciated properly by the respondents.

18. Though there are several reasons that are pointed out in the impugned order and the counter affidavit to justify the action of the respondents, this Court finds that the reasoning is squarely unsustainable in law and in conflict with the law laid down by this Court in the catena of cases.”

12. He would submit that, though this Court had directed the State Level Scrutiny Committee to verify the application made by Mr.M.Ulagappan and forward the report within one month, the same had not been issued so far. He would also invite our attention to G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CV I) Department dated 15.10.2012. In particular, he would draw our attention to clause (5) of the said Government



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Order. According to him, once the report of the Vigilance Committee is in favour of the candidate and the certificate is reported to be true and genuine, no further action needed to be taken. According to him, this Government Order has been violated.

13. He would further rely upon the judgment of the Supreme Court of India in *Dayaram Vs Sudhir Batham & Ors. [(2012) 1 SCC 333]* dated 11.10.2011. He would also invite our attention to an order passed by this Court in Contempt Petition No.551 of 2022 dated 01.09.2022. He would further submit that as the enquiry report has gone in his favour, the issue of conducting further enquiry does not arise.

14. Rebuting this argument, the learned Additional Government Pleader appearing on behalf of the respondents would contend that they have requested the petitioner to attend the meeting of the State Level Scrutiny Committee on 02.08.2022, with a request to submit any other documents proving his community claim. According to them, the service



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book of the petitioner's father reveals that he belongs to Hindu “Kurumba” community and since they felt that the document submitted by the Vigilance Cell of the Dharmapuri District was not in complete shape and the petitioner had not produced enough and relevant documents, the Committee decided to provide one more opportunity to the petitioner. The Committee had called upon the petitioner to appear on 29.11.2022. But, on that date, the petitioner was absent. The State Level Scrutiny Committee, yet again sent a notice for enquiry on 09.02.2023. Even to that notice, there was no valid response from the petitioner. According to the respondents, they have strictly acted in accordance with the judgment of the Supreme Court of India in ***Kumari Madhuri Patil*** case and as per the guidelines laid down in G.O.Ms.No.106 (CV I) dated 15.10.2012.

15. Mr.Venkatesh Prasad, learned counsel appearing for the respondents 3 and 4 would submit that, as per the judgment of the Supreme Court in ***Rajbir Surajbhan Singh vs The Chairman, Institute of Banking Personnel Selection, Mumbai [2019 4 SCC 189]***, the third respondent is



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not a “State” within the meaning of Article 12 of the Constitution of India and therefore, the writ petition is not maintainable.

16. Both Mr.Venkatesh Prasad as well as Mrs.Rita Chandrasekar would submit that, in obedience to the interim orders of this Court, the petitioner's daughter Tamizhpavai was permitted to take up the examination and attend the interview. At the time of certificate verification, since the certificate produced was not validated by the State Level Scrutiny Committee, she was not offered with employment. Mrs.Rita Chandrasekar would submit that the petitioner's daughter was found to be competent and qualified to be appointed, but, due to the lack of certificate, the employment offer was not given to her.

17. The learned Additional Government Pleader referred the judgment in ***G.Kumar vs State Level Scrutiny Committee*** reported in ***[2020 SCC OnLine Mad 2154]***. He relied upon the said judgment for the preposition that even after the Vigilance Committee report goes in favour of the



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petitioner, the State Level Scrutiny Committee can still conduct a further enquiry. It is seen from the careful perusal of the judgment that the Government Order in G.O.Ms.No.106, Adi Dravidar and Tribal Welfare (CW I) Department dated 15.10.2012 was not brought to the attention of the Division Bench. When the Government has empowered the State Level Scrutiny Committee and has confined it only when the report of the Vigilance Committee or particulars given are found to be false or fraudulent, the State Level Scrutiny Committee has to act within the parameters of the order. Since the binding orders of the Government has not been brought to the notice of the learned Judges constituting the Division Bench, we propose to follow the order of the Supreme Court in **Dayaram's** case and that in Contempt Petition No.551 of 2022. It is necessary to point out here that the learned Additional Government Pleader has submitted that the State Level Scrutiny Committee accepted the verdict in Contempt Petition No.551 of 2022 dated 01.09.2022 and has also given the certificates.



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18. The position of law has been clearly and categorically laid down by the Supreme Court of India in **Dayaram's** case. The relevant portion is paragraph 22, which reads as follows:

“22. Each scrutiny committee has a vigilance cell which acts as the investigating wing of the committee. The core function of the scrutiny committee, in verification of caste certificates, is the investigation carried on by its vigilance cell. When an application for verification of the caste certificate is received by the scrutiny committee, its vigilance cell investigates into the claim, collects the facts, examines the records, examines the relations or friend and persons who have knowledge about the social status of the candidate and submits a report to the committee. If the report supports the claim for caste status, there is no hearing and the caste claim is confirmed. If the report of the vigilance cell discloses that the claim for the social status claimed by the candidate was doubtful or not genuine, a show-cause notice is issued by the committee to the candidate.

(Emphasis supplied)”



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19. The portion highlighted would show that the Vigilance Committee investigated into the claim, collected facts, examined the records including those of the relatives and friends and persons who have knowledge of the social status of the candidate. The Court has further held that if the report of the Vigilance Cell supports the position of the caste status, there is no question of further enquiry and the caste claim stands confirmed. In tune with the judgment which was rendered on 11.10.2011, the State of Tamil Nadu has come out with G.O.Ms.No.106 Adi Dravidar Tribal Welfare (CV I) Department dated 15.10.2012.

20. In obedience to the view taken by the Supreme Court, the State of Tamil Nadu has held that if the Vigilance Cell comes to the conclusion that the caste claim is genuine, no further action should be taken. The issue of further action will arise, if and only if, the report submitted or the particulars given are found to be procured by fraudulent means. It is pertinent to know that referring to both the *Dayaram's* case as well as the Government Order, this Court, in Contempt Petition No.551 of 2022 has categorically held that



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once the Vigilance report, after a detailed enquiry, is found in favour of the candidate and the report to be genuine, the Committee has to decide the matter on the basis of the Vigilance report only and the question of further enquiry does not arise for consideration.

21. A look at the impugned order in W.P.No.2816 of 2021 would go to show that the Chairman, State Level Scrutiny Committee has addressed a letter to the Director, Tribal Welfare Committee. In the said order, he has confirmed that the certificate had been verified by the Deputy Superintendent of Police, Vigilance Cell and that he, along with the Anthropologist, has confirmed the community status of the concerned individual to be genuine. As per the directions in the aforesaid Government Order, the Committee should have only gone as per the said report. Such course of action alone would be in compliance with the Government Order and with the verdicts of the High Court and the Supreme Court. Surprisingly, the first respondent decided to rely upon the report of the Revenue Divisional Officer, Dharmapuri and directed the Director, Tribal



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Welfare to conduct a detailed study.

22. We are of the opinion that this order cannot be sustained. In the light of the clear and categorical view enunciated by the Supreme Court and by this Court and the Government Order referred to above, the Committee had only one option, that is, to pass orders on the basis of the report submitted by the Vigilance Cell. It does not have the power to order a roving enquiry. Repeated enquiry into the same issue is not only arbitrary, but tends to put the person into quandary. Here is the case where, the petitioner has been knocking at the doors of this Court for nearly seven years. By directing further enquiry is an arbitrary exercise of powers vested in the State Level Scrutiny Committee. It falls foul of the settled position of law.

23. We have to add here that it has become a course for the State Level Scrutiny Committee to refer the matter for further enquiry in an automaton manner. This leads only to harassment to those belonging to the



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most deprived part of the citizenry, namely the Scheduled Caste and Scheduled Tribes. When we pointed out this unusual course being regularly adopted, the learned Additional Government Pleader, fairly conceded that only in case where the report of the Vigilance Cell has been obtained by fraud or the details that has been furnished are false, the State Level Scrutiny Committee can enquire further. We hereby direct the State Level Scrutiny committee to strictly comply with the Government Order and not to indulge in one roving enquiry after another, especially when the report of the Vigilance Cell is found to be in favour of the claimant.

24. In fine, W.P.No.2816 of 2021 is allowed. The order in letter No.10875/CVIII/2017-15 dated 30.12.2020 is quashed. The State Level Scrutiny Committee is hereby directed to look only into the Vigilance report and decide the matter only on that basis.

25. This now takes us to the other writ petitions in W.P.Nos.2442 of 2017 and 2439 of 2017. The third respondent, Institute of Banking



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Personnel Selection, has submitted a report in a sealed cover. It is found that the petitioner has not secured sufficient marks. The minimum qualifying marks required in the examination is 35% for SC/ST/OBC/PWD categories. However, the petitioner had secured only 26.6% out of 100%. Since the petitioner has not qualified, as seen from the report of the third respondent, the said writ petitions are dismissed.

26. In W.P.No.42925 of 2016, it has been stated by Mrs.Rita Chandrasekar, learned counsel appearing for M/s.Aiyer and Dolia for respondents 3 and 4 that the petitioner has qualified but her appointment order was not issued on account of the fact that the verification report of the State Level Scrutiny Committee has not been furnished. In W.P.No.29545 of 2022, we have already given a direction to the State Level Scrutiny Committee to pass orders on the basis of the District Vigilance Cell report. If the order of the State Level Scrutiny Committee is in favour of the petitioner, the Bank may consider issuing orders of appointment to the petitioner, in case vacancy exists.



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27. Insofar as the W.P.No.2816 of 2021 is concerned, the State Level Scrutiny Committee has stated that despite the report of the Deputy Superintendent of Police, Vigilance Cell and the Anthropologist in favour of the writ petitioner, M.Ulagappan, they desire to conduct further detailed study. The reasons set forth above applies in full force to the present case. Consequently, the W.P.No.2816 of 2021 stands allowed.

28. We sum up our conclusion in the following manner:

(a) W.P.Nos.29545 of 2022 and 2816 of 2021 stands allowed;

(b) W.P.No.2442 of 2017 will stand dismissed;

(c) The State Level Scrutiny Committee shall look into the report of the District Vigilance Cell alone and pass orders;



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To

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Rep by the Chairman & Secretary to Government
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Secretariat, Chennai 600 009.
2. The Revenue Divisional Officer
Dharmapuri, Dharmapuri District.
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6. The Executive Director
Indian Overseas Bank
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V.M.VELUMANI, J,
and
V. LAKSHMINARAYANAN, J

(drm)

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12.04.2023