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W.P.No.29524 of 2023

HIN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No.29524 of 2023

and W.M.P.No. 29145 of 2023

1. Union of India

Rep.by its General Manager

Southern Railway, Chennai-600003

2. The Senior Personnel Officer

Southern Railway

Head Quarters Office

Park Town, Chennai-600003

... Petitioner

Vs

1.The Tamil Nadu State Level Scrutiny Committee-III,

Rep.by its Chairman/ The Additional ,

Secretary to Government of Tamil Nadu,

Adi Dravida and Tribal Welfare Department,

Secretariat, Namakkal Kavingnar Maaligai,

Chennai-600009.

2. The District Collector,

Kancheepuram District,

Kancheepuram.

3. The Revenue Divisional Officer,

Chengalpattu District

Chengalpattu

4. S.Velavan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari, to call for the records of the 1st respondent in proceedings No. 30141/CV-4(1)/2008-28 dated 12.12.2022 and quash the same.

For Petitioner : Mr.C.Samivel

For Respondents : Mrs. Mythreyechandru for R1 to R3
Special Government Pleader

ORDER

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

By consent of both parties, the writ petition is taken up and disposed of at the admission stage itself. Since no prejudice will be caused to the 4th respondent, notice to the 4th respondent is dispensed with.

2. This Writ Petition has been filed by the Railways, challenging the proceedings dated 12.12.2022 passed by the 1st respondent/State Level Scrutiny Committee, by which, the 1st respondent has stated that the community certificate issued to the 4th respondent is genuine.

3. The case of the petitioner is that the 4th respondent/S.Velavan was appointed as “Khalasi” in the petitioner/Railways on 08.01.1982 under the vacancy reserved for a Scheduled Tribe candidates, on the basis of Hindu



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Malakkuravan Schedule Tribes community certificate dated 24.08.1981 issued by the Head Quarters Deputy Tahsildar, Virudhunagar . Subsequently, he was working in various posts and finally, he was working as Senior Technician at Car Shed, Avadi, Chennai under the Divisional Railway Manager, Chennai.

4. On receipt of the complaint received by the 2nd petitioner/Senior Personal Officer alleging that the 4th respondent namely Velavan, was appointed in Railways based upon a fake community certificate that he belongs to Malakkuravan community which is classified as schedule Tribes community, he had referred this case to the District Collector/District Vigilance Department, Virudhunagar on 15.04.2002. Based on the references made by the 2nd petitioner/Senior Personal Officer, the District Vigilance Department had conducted enquiry for verification of the 4th respondent's community certificate.

5. After receiving the Report from the District Vigilance Officer on 19.11.2008, the petitioner/Railway has forwarded the community



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certificate of the 4th respondent to the 1st respondent/Tamil Nadu State Level Scrutiny Committee for verification of the said community certificate.

6. After conducting personal enquiry with the 4th respondent and scrutinizing the report filed by the Vigilance Authority, the 1st respondent had passed the impugned order dated 12.12.2022 stating that the 4th respondent belongs to Hindu Malaikkuravan Schedule Tribe Community and the community Certificate No.327607 dated 12.06.2013 issued by the Revenue Divisional Officer, Chengalpattu to the 4th respondent/S.Velavan is genuine. Against which, the petitioners/Railway had filed the present writ petition.

7. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

8. The main contention of the petitioners is that without considering the report of the Vigilance Authority and the report of the Anthropologist, the 1st respondent/Tamil Nadu State Level Scrutiny Committee had passed the impugned order. It is pertinent to note that the



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Vigilance Authority has concluded that the 4th respondent belongs to Hindu Malaikkuravan Schedule Tribe Community and hence, the certificate is genuine, whereas, the Anthropologist associated with the District Vigilance Cell, Kancheepuram, has concluded that the claim of the 4th respondent as Hindu Malaikkuravan Schedule Tribe is not genuine. Since the two reports were contradictory to each other, the entire report has been placed before the State Level Scrutiny Committee/ 1st respondent to finalize the genuineness of the Schedule Tribe community certificate of the 4th respondent.

9. This Court after carefully perusing the records and materials produced would infer that even though it is stated by the Anthropologist associated with the District Vigilance Cell that the claim of the 4th respondent as Hindu Malaikkuravan Schedule Tribe is not genuine, it is seen from the family tree issued by the Tahsildar, Virudhunagar dated 28.01.2010, that the lineage of the individual has been mentioned in the family tree and also it is seen from the family tree and in the documents attested by the Competent Authority, the relationship between the individual and his paternal uncle, Thiru.R.Ganesan has been mentioned. Therefore, only after careful



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examination of the available records submitted by the 2nd and 3rd respondents, the State Level Scrutiny Committee/1st respondent had passed the order dated 12.12.2022, confirming that the 4th respondent belongs to Hindu Malaikkuravan Schedule Tribe (ST) community, which does not warrant any interference by this Court

10. In view of the above discussion, the impugned order dated 12.12.2022 passed by the 1st respondent is a well reasoned one. Accordingly, the Writ Petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
12.10.2023

msv

Index : Yes / No
Internet : Yes / No
Neutral citation : Yes / No



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To

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