



WEB COPY



W.P.No.28540 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM

THE HON'BLE MRS. JUSTICE J.NISHA BANU

and

THE HON'BLE MRS. JUSTICE N.MALA

W.P.No.28540 of 2023

and W.M.P.Nos.28093 & 28094 of 2023

G.SELVARAJU

... Petitioner

Vs.

1. THE TAMIL NADU STATE LEVEL SCRUTINY
COMMITTEE- III, ADI DRAVIDAR AND TRIBAL WELFARE DEPARTMENT,
NAMAKKAL KAVIGNAR MALIGAI, SECRETARIAT, FORT ST. GEORGE,
CHENNAI 9

2. THE DEPUTY CHIEF OFFICER
INDIAN OVERSEAS BANK, CENTRAL OFFICE PB NO. 3765 ,
NO. 763 ANNA SALAI, CHENNAI 2.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, call for the records of the 1st respondent proceedings No. 6024/ CV4(1)/ 2015- 8 dated 3.08.2023 and quash the same.

For Petitioner	: Mr.N.Naganathan
For Respondents	: Mr.E.Vijay Anand Additional Government Pleader for R1



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ORDER

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

By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the 1st respondent and also perused the materials available on record.

3.Challenging the order dated 03.08.2023 passed by the State Level Scrutiny Committee, the petitioner has filed the present Writ Petition, whereby the petitioner's community certificate dated 11.09.1976 that he belongs to Hindu – Kondareddis Schedule Tribe community as well as the Hindu – Kondareddis Form of Scheduled Tribe Certificate dated 18.03.1982 were declared as 'not genuine' and consequently cancelled the same.

4.According to the petitioner, he is a native of Boothapadi Village,



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Dinnappatti Mettur Taluk, Salem District and he belongs to 'Konda Reddi' (Scheduled Tribe) Community. He had completed his School Education in his native place. His parents are illiterate and as such, there is no necessity for them to obtain a 'Community Certificate'.

5.The stand of the petitioner is that, after conducting thorough verification and enquiry by the Revenue Department, the Tahsildar, Mettur Dam, Salem District, had issued a 'Community Certificate', on 11.09.1976, stating that the petitioner belongs to 'Konda Reddis' Community.

6.The petitioner states that he was appointed as Clerk in the Indian Overseas Bank, on 16.07.1982, under the 'Scheduled Tribes quota' and his service was confirmed with effect from 16.01.1983 and also got retired from service on 30.10.2019. In the year 1998, one of the Employee gave a complaint to the petitioner's Employer, on account of personal vendetta. Based on that, the petitioner's Employer had directed him to produce the original 'Community Certificate' for verification. Accordingly, he had submitted the original Community Certificate to his Employer.



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7. Thereafter, the petitioner's Employer had forwarded the community certificate of the petitioner to the District Collector, Salem District, for verification.

8. Since the District Collector had no jurisdiction in the matter of issuance/verification of Community Certificate, the petitioner has filed W.P.No.11253 of 1999. The said Writ Petition was disposed of by this Court, by order dated 01.07.1999, with a direction to the District Level Committee, to conduct enquiry afresh. However, the State Level Committee without following the due process of law passed the order impugned in this Writ Petition.

9. The learned counsel for the petitioner, contends that the petitioner joined the service during the year 1982 and that the State Level Scrutiny Committee, at this distant point of time, cannot compel the petitioner to furnish Certificates of his Parents and property documents of the year 1950.



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10.The learned counsel further contended that at the time of enquiry before the 1st respondent, the petitioner was not afforded with personal hearing and to cross examine the witnesses.

11.The learned counsel appearing for the 1st respondent would contend that the 1st respondent / State Level Scrutiny Committee examined the statement given by the individual and the documentary evidences, the report of the Assistant Commissioner of Police, SJ & HR Wing, Salem City at the time of enquiry and has rightly come to the conclusion that the petitioner does not belong to Hindu - Kondareddis community.

12.A perusal of the entire matter in hand would go to show that the petitioner has not participated in the inquiry before the 1st respondent. Since the petitioner specifically contended that he was not given opportunity of personal hearing, the impugned order passed by the 1st respondent is set aside and the matter is remanded back to the 1st respondent for fresh consideration. Accordingly, this Writ Petition stands disposed of, with a direction to the 1st



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respondent to conduct fresh enquiry, after issuance of notice and by affording sufficient opportunity of personal hearing to the petitioner, to make his claim, through substantive documents. The 1st respondent/State Level Scrutiny Committee thereafter shall pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B., J.) (N.M., J.)
27.09.2023

Index : Yes/No
Speaking order/Non-speaking order
Neutral citation : Yes/No
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To:

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

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Order made in
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Dated:
27.09.2023