



W.P.No.30755 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.No.30755 of 2023
and WMP.No.30408/2023

B.Ramadoss

.... Petitioner

vs.

1.The Chairman,
State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare (CV2) Department,
Secretariat, Chennai 9.

2.The Director,
Tribal Welfare Department,
Chepauk, Chennai 5.

3.The Deputy Superintendent,
SC/ST Vigilance Cell,
Madurai Collectorate,
Madurai Region,
Madurai 625 020.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Prohibition Prohibiting the respondents from making verification of the Petitioners community status more than 9 years after retirement in the light of the judgement of the supreme court of India in S.L.P. No. 24458 of 2019 dated 03.03.2023.



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For Petitioners : Mr.V.Vijayashankar

For RR1 and 2 : Mr.Stalin Abimanyu
Additional Government Pleader

ORDER

This writ petition has been filed praying to prohibit the respondents from making verification of the Petitioners community status after 9 years of retirement.

2. It is averred in the writ petition that the petitioner's family belongs to 'Kammara Community' and he was issued with community certificate by the Tahsildar on 16.06.1978. He was selected and appointed in the Southern Railway as Gangman in July 1981. According to the petitioner, he got retired from service on 28.02.2014. After a period of nine years of retirement, the 3rd respondent issued a notice dated 05.09.2023, directed the petitioner to appear for enquiry to verify the community status of the petitioner.

3.The learned counsel for the petitioner would contend that the petitioner served in the Southern Railways for 33 years and attained superannuation. The petitioner is now 70 years old and at this stage,



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verification of his community status is uncalled for and it will only cause harassment for the petitioner.

4. The learned Additional Government Pleader appearing for the respondent would state that based on the petitioner's certificate, the petitioner may claim certificate for his children for which the learned counsel for the petitioner would state that he is prepared to file an affidavit that he will not claim any certificate for his children and he will file an affidavit to that effect.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

6. The petitioner retired from service on 28.02.2014 and he was sanctioned with pension and other benefits. At this stage, verification of his community status will unsettle his living conditions. The Government of India have issued guidelines periodically mandating all employers and authorities to undertake verification at the earliest point of time preferably at the time of one's entry into service. In the present case the petitioner, had completed 33 years of



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unblemished record of service and retired in the year 2014.

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7. Further, the petitioner has also filed an undertaking affidavit stating that he will not utilize his ST community certificate for himself or his children at any point of time in future. Paragraph No.4 of the undertaking affidavit filed by the petitioner reads as follows:

"4. I submit that based on my caste certificate, none of my children have obtained caste certificates in their favour to the effect that they belong to the ST community. I further submit that neither myself nor my children / family members will, in future, make any claim or derive any concession or benefits on the basis of my caste certificate."

The aforesaid undertaking given by the petitioner in the affidavit filed by him is recorded.

8. It is pertinent to point out that the Hon'ble Apex Court and various High Courts, have time and again stressed that verification after retirement is a wasteful exercise and would be purely academic. In similar circumstances, in SLP(C)No.24458/2019 dated 03.03.2023, the Hon'ble Apex Court has held as follows:



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"It is submitted that the respondent No.1 who served in the Railways had superannuated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe category.

Considering the above, we deem it is appropriate to order of closure of the proceedings.

According, the Special Leave Petition stands disposed of."

9. Considering the facts and circumstances of the case and taking into account the undertaking given by the petitioner and also in the light of the above decision of the Hon'ble Apex Court, we are inclined to set aside the impugned notice dated 05.09.2023 passed by the respondent. Accordingly, the impugned notice dated 05.09.2023 passed by the respondent is hereby set aside.

10. The Writ Petition stands allowed. No costs Consequently, connected miscellaneous petition is closed.

(J.N.B., J.) (N.M., J.)
22.12.2023

sk

J. NISHA BANU, J.



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and
N.MALA, J.

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Index : Yes / No
Internet : Yes / No

To

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