



Rev. Aplw.No.29 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

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and

W.M.P.No.7477 of 2023

All India Scheduled Castes/Scheduled Tribes/Buddhists
LIC Employees Welfare Association, South Zone,
LIC India, Reptd. by its General Secretary,
Mr.E.Anbuselvam, having office at No.153 Anna Salai,
LIC of India, Zonal Office, 7th Floor,
LIC Building, Anna Salai,
Chennai – 600 002.

... Applicant

vs.

1.The Tamil Nadu State Level Scrutiny Committee,
Rept. By its Chairman Adi Dravidar & Tribal Welfare Dept.,
Secretariat, Chennai.

2.Life Insurance Corporation of India(LIC),
Reptd. By its Sr.Divisional Manager, Divisional Office -1,
LIC Building, 8th Floor, Anna Salai,
Chennai – 600002.

3.Mrs.K.Lalitha Kumari, Assistant,
LIC of India, Branch Office,
Tambaram.

... Respondents



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PRAYER : Review Application filed under Order 47 Rule 1 r/w Section 114 of C.P.C, 1908, against the judgment made in W.P.No.6796 of 2021, dated 02.11.2022.

For Applicant : Mr.J.Srinivasa Mohan
For R-1 : Ms.V.Yamuna Devi,
Special Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

This review application is at the instance of the writ petitioner whose writ petition challenging the confirmation of the community certificate issued to the third respondent by the State Level Scrutiny Committee was dismissed by us on 02.11.2022 on the ground that the writ petitioner which is the Association of Schedules Castes /Scheduled Tribes/Buddhists LIC Employees Welfare Association, has no right to maintain a writ petition challenging the confirmation of the community certificate.

2. Mr.J.Srinivasa Mohan, learned counsel appearing for the review applicant, would vehemently contend that in view of the decision of the Division Bench of this Court in ***Union of India v.***



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Tamil Nadu State Level Scrutiny Committee, Chennai and

another(W.P.No.39053 of 2016, dated 18.04.2017), where the Division Bench has entertained an appeal by the employer namely Southern Railway against an order confirming the community certificate, the dismissal of the writ petition on the ground that the writ petition at the instance of a third person is not maintainable has to be reviewed.

3. The other objection of the learned counsel is that in view of G.O.Ms.No.1139, Social Welfare Department dated 23.03.1982, a certificate certifying that a person belongs to Kondareddi community could be issued only by the Revenue Divisional Officer and not by the Tahsildar.

4. We are unable to accept both the submissions of the learned counsel as a ground for review. As regards first submission is concerned, the Division Bench while holding that an appeal at the instance of Railways would be maintainable, has clearly held that being an employer, the Railways can question the decision of the State Level Scrutiny Committee.



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5. But, in the case on hand, the petitioner is neither an employer nor the certificate holder. It is a third party which wants to interfere in the relationship between the employer and employee. Hence, we do not think that the basis on which the Division Bench held that writ petition by the employer would be maintainable in the given circumstances cannot be extended to a third party also.

6. On the second contention, we find that G.O.Ms.No.1139, Social Welfare Department, dated 23.03.1982, was challenged before this court and a Division Bench of this Court had while negating the challenge held as follows:

"42. The effect of this decision, therefore, is (i) that the circular dated 5th Aug., 1975, is wholly unaffected by the impugned Government Order, in so far as the authorities are specified therein for issuing community certificates to persons belonging to scheduled castes and scheduled tribes seeking employment to posts/services under the Central Government – as well as in the services under the Public Sector undertakings, Statutory and Semi-Government Bodies under the control of the Central



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government; oo that, so far as employment in the services under the State Government are concerned. The State Government has the right to nominate and prescribe the appropriate authority or Officer for the Konda Reddi Community, who will issue the community certificate; and (iii) that a certificate issued by the Tahsildar may not be accepted by the State Government, but, at the same time, the State Government cannot decline to authorise the Tahsildar to issue community certificate as required by the communication dated 5th Aug., 1975."

7. In view of the law declared by the Division Bench of this Court, the second ground urged by the learned counsel could not be accepted. Hence, the review application fails and it is accordingly, dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
pm

[R.S.M.,J.] & [K.B.,J.]
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and
K.KUMARESH BABU, J.
PM

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DATED :24.04.2023