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W.P.No.32753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No.32753 of 2023
and W.M.P.Nos.32367 and 32368 of 2023**

Dr.N.Bharathi Santhose

... Petitioner

.Vs.

1.The Chairman
Tamil Nadu State Level Scrutiny Committee-III
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai-600 009

2.The Deputy Superintendent of Police
Social Justice and Human Rights Wing
District Police Station
Nethimedu, Salem-2

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the records of the 2nd respondent in its C.No.100/SJHR/SLM/2016 dated 11.10.2023 and quash the same and consequently refrain the respondents from conducting verification of the petitioner caste status in



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view of the fact that the petitioner's appointment was under open category.

For Petitioner : Mr.V.Vijayashankar

For respondents : Mrs.Mythreye Chandru, Spl.G.P.

For R1

Mr.S.Rajakumar, APP for R2

ORDER

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

This writ petition is filed by the petitioner praying to quash the notice dated 11.10.2023 of the 2nd respondent whereby the petitioner was called to attend the enquiry on 18.10.2023 and consequently to refrain the respondents from conducting verification of the petitioner caste status.

2. It is averred in the writ petition that the petitioner was appointed as Tutor under Open Category in the year 2008 and later his service was regularised. According to the petitioner, he belongs to



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Konda Reddis community and have been issued with community certificate in April 1984 by the Tahsildar and on the basis of Scheduled Tribe status, he joined the medical college and completed MBBS during 1996-2001. However, he has not claimed any benefit or concession in the matter of public employment and so it is wholly unnecessary for the respondents to proceed with verification at the behest of TNPSC/Government.

3. According to the petitioner, he has completed 15 years of service. The notices issued by the respondents asking him to appear for enquiry making reference to the TNPSC selection which he had relinquished, is unnecessary as he secured appointment under general category.

4. The learned counsel for the petitioner filed an undertaking affidavit of the petitioner before this court. The undertaking given by the petitioner is as under:-

“ 2. I submit that I was issued with a community



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certificate by the Tahsildar in April 1984 certifying me to belong to the Kondareddis Community (ST). I joined the medical college under the ST quota and completed MBBS during the year 1996-2001. Later, though I was selected as Assistant Surgeon under ST quota during years 2003-2004, I did not join. After 4 years, I got appointment under open category as Tutor and joined in May 2008. Hence I submit that I have not utilised the ST certificate for gaining employment.

4) I submit that I have a minor son by name B.Krishna Vamsi who is presently doing his 3rd standard. I submit that neither myself nor my son/children will, in future, claim any benefit or concession for the purpose of education, employment or otherwise on the basis of the ST certificate. I humbly submit that this Hon'ble Court may kindly record my undertaking and pass appropriate orders in the above W.P.”

5. Taking into consideration the entire facts of the case, it is clear



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that the petitioner obtained appointment under the General Category. He has also filed an undertaking affidavit stating that he will not seek any claim based on the community certificate issued to him for his children. Therefore, the impugned notice issued to the petitioner for enquiry will be a futile exercise and therefore, the impugned notice dated 11.10.2023 is quashed. Accordingly, the writ petition stands disposed of in terms of the undertaking affidavit of the petitioner dated 25.11.2023. Therefore, No costs. Consequently, connected WMPs are closed.

(J.N.B, J.) (N.M., J.)
27.11.2023

nvsri

To

1.The Chairman
Tamil Nadu State Level Scrutiny Committee-III
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai-600 009



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2.The Deputy Superintendent of Police
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J. NISHA BANU, J.
and
N.MALA,J.

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