



W.P.No.34318 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

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

W.P.No.34318 of 2023
and
W.M.P.No.34213 of 2023

V.Rajendran

...Petitioner

VS

1. The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai-600 009.

2. The Deputy Superintendent of Police,
Social Justice and Human Rights &
SC/ST Vigilance Cell,
Sathuvachari, Vellore,
Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in the order bearing Na.Ka.No.272/DSP/SJ& HR/SCSTIC/VLR/2018 dated 26.11.2018 passed by respondent No.2 and quash the same and forbear the respondents from verifying the community certificate of the petitioner dated 14.10.1974



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issued by the Tahsildar, Tirupattur (NA) in any manner whatsoever.

For Petitioner : Mr.M.Radhakrishnan

For Respondent : Mrs.R.Raja Rajeswari, Government Advocate

ORDER

This writ petition has been filed challenging the order of the 2nd respondent dated 26.11.2018, by which, the petitioner was called for an enquiry to be held on 14.12.2018 in respect of verification of genuineness of his "Kurumans" Scheduled Tribe Community and consequently, forbear the respondents from further verifying the community certificate of the petitioner dated 14.10.1974 issued by the Tahsildar, Tirupattur (NA).

2. The case of the petitioner is that he belongs to Kurumans, community which is a Scheduled Tribe. On the basis of the community certificate dated 14.10.1974, issued by the Tahsildar, Tirupattur (NA), the petitioner was appointed as Khalasi in the Southern Railways on 05.09.1975 and retired from service as Senior section Engineer on 31.05.2016. After about 30 months from his retirement, he received a communication dated 26.11.2018 directing him to appear for enquiry regarding the said community certificate. It is more than seven years since his retirement, the enquiry into the validity of



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his community certificate dated 14.10.1974 is still pending with the respondents. Hence, the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

4. The petitioner retired from service on 31.05.2016. At this stage, verification of his community status is uncalled for. 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 40 years of unblemished record of service and retired in the year 2016.

5. Further, the petitioner has also filed an undertaking affidavit stating that he will not use his community certificate for himself or his children in future. Paragraph No.2 of the undertaking affidavit filed by the petitioner reads as follows:

"4. I hereby undertake that I will not use my community



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certificate dated 14.10.1974 issued by the Tahsildar, Tirupattur (NA) either for me or for my children viz., Nalini Priya, Naresh Kumar and Nandhini in future."

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

6. 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:

"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."



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7. 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 proceedings dated 26.11.2018 passed by the 2nd respondent. Accordingly, the impugned notice dated 26.11.2018 passed by the 2nd respondent respondent is hereby set aside.

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

(J.N.B., J.) (N.M., J.)
12.12.2023

vsi

Index : Yes / No

Internet : Yes / No

To

1. The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-600 009.

2. The Deputy Superintendent of Police,
Social Justice and Human Rights &
SC/ST Vigilance Cell, Sathuvachari, Vellore,
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