



W.P.No.34393 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.34393 of 2023
and
W.M.P.No.34297 of 2023

R.Prabhuraj

...Petitioner

VS

The Chairman,
State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare (CV4) Department,
Secretariat,
Chennai-9.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the respondent made in impugned proceedings No.13324/CV-4(1)/2015-14 dated 02.11.2021 and quash the same and consequently refrain the respondent from making verification into the petitioner's community after retirement

For Petitioner : Mr.N.Naganathan

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



W.P.No.34393 of 2023

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ORDER

This writ petition has been filed challenging the proceedings of the respondent dated 02.11.2021, by which, the petitioner was called for an enquiry to be held on 15.11.2021 in respect of verification of genuineness of his "Kondareddis" Community Certificate and consequently, refrain the respondent from making verification into the petitioner's community after his retirement.

2. The case of the petitioner is that he belongs to Konda Reddy community which is classified as a Scheduled Tribe and he obtained the said certificate on 11.06.1973 issued by the Deputy Tahsildar, Uthiramerur. During 1977, he joined as Typist in Southern Railways under the quota reserved for ST and continued till 1981. Subsequently, the petitioner was issued Konda Reddy (ST) Community Certificate by the Head Quarters Deputy Tahsildar, Uthiramerur vide No.1067/80 dated 21.08.1980 and Form of Caste Certificate issued by Tahsildar, Uthiramerur, kancheepuram District dated 07.11.1981. The petitioner was selected to the post of Typist in the Reserve Bank of India on 11.11.1981. The Reserve Bank of India verified his community certificate at the time of his appointment and later on, confirmed his services and



W.P.No.34393 of 2023

subsequently, the petitioner was given promotion to the post of Assistant Manager and after completion of more than 37 years of service, he reached the age of superannuation on 31.10.2017. He was sanctioned provisional pension in the year 2021, however, the other benefits were withheld by the employer at the time of retirement. The petitioner is presently 66 years old. The respondent initiated an enquiry in the year 2013 and subsequently, on 30.06.2015, cancelled the community certificate dated 07.11.1981. After lapse of several years, at the instance of the respondent, the Director of Tribal Welfare Department had conducted the enquiry through Vigilance Cell and the enquiry officer submitted his alleged report on 04.05.2021, however, no such report was furnished to the petitioner till date. The impugned order was issued to the petitioner to appear for enquiry and he appeared before the respondent for enquiry on 09.11.2021 and 08.07.2022 with all relevant documents. As the petitioner has retired from service, it is not necessary to verify his community status. Hence, the present writ petition.

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



W.P.No.34393 of 2023

WEB COPY

4. The petitioner retired from service on 31.10.2017 and he was sanctioned provisional pension in the year 2021 and other benefits were withheld by the employer. 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 37 years of unblemished record of service and retired in the year 2017.

5. 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 I filed a W.P.No.34393 of 2023 before this Hon'ble Court seeking to quash the impugned order. I got retired from service way back in the year 2017 and I have been suffering continuously for all these periods. Therefore, I hereby sincerely given an undertaking that I shall not utilize my ST community certificate dated 11.06.1973 for myself or



W.P.No.34393 of 2023

my children at any point of time 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."

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



W.P.No.34393 of 2023

impugned proceedings dated 02.11.2021 passed by the respondent.

Accordingly, the impugned notice dated 02.11.2021 passed by the 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
The Chairman,
State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare (CV4) Department,
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W.P.No.34393 of 2023

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W.P.No.34393 of 2023

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