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W.P.No. 34789 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2023

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS. JUSTICE N.MALA

W.P.No. 34789 of 2023
and W.M.P.No. 34778 of 2023

S. Rajasekaran

..Petitioner

Vs.

1. The State Level Scrutiny Committee III
Rep., by its Chairman
Adi-Dravidar and Tribal Welfare Department
Namakkal Kavignar Maligai
Secretariat, Chennai 600009

2. The Secretary to Government
Adi-Dravidar & Tribal Welfare
Department, Fort St.George
Chennai-600009

3. The Deputy Superintendent of Police
Social Justice & Human Rights/
SC-ST Vigilance Cell
Police Community Hall
M.K.N. Road
Alandur Police Complex
Chennai 600016

..Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from re-opening or conducting any enquiry with regard to the community certificate/status of the petitioner.

For Petitioner : Mr.M.Suresh Kumar
For Respondents : Mrs. R.L.Karthika for R1 & R2
Government Advocate
Mr. S. Rajakumar for R3
Additional Public Prosecutor

ORDER
(Order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed to forbear the respondents from re-opening or conducting any enquiry with regard to the community certificate/status of the petitioner.

2. The case of the petitioner is that he belongs to Kondakappu community which is classified as Scheduled Tribe. He was selected to the post of Clerical Cadre in the Indian Bank under the quota reserved for Scheduled tribes. At, the time of appointment, he had produced Kondakappu community certificate dated 31.01.1983 issued by the Special Tahsildar, Saidapet Taluk, Chennai and the same was not cancelled till date. After getting clarifications from the Tahsildar vide his letter dated 23.06.1983, he



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was appointed in the said post in the year 1983. Suddenly, without any reasons, an enquiry was initiated and adverse order was passed by the Scrutiny Committee during the year 2007 and the same was set aside by this Hon'ble Court in W.P.No.14922 of 2007 vide order dated 01.04.2008 since it was not in accordance with law.

3. Learned counsel for the petitioner submitted that the petitioner was retired from service on 30.06.2015 and all his terminal benefits were sanctioned including pension, gratuity, provident fund. After seven years of retirement and 30 years from the date of the issuance of the community certificate, it was proposed to conduct enquiry regarding the genuineness of the community certificate is a futile exercise. The third respondent, called upon the petitioner to appear for enquiry regarding verification of his community certificate vide letter dated 08.12.2022 at the instance of the second respondent. Aggrieved by the same, the present writ petition.



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4. The learned counsel for the petitioner also averred in paragraph No.10 of the affidavit, which reads as under:-

“I give an undertaking that none of my family members will make any claim on the basis of my community certificate.”

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

6. It is seen from the records that the petitioner retired from service on 30.06.2015 and he was sanctioned with pension, gratuity, provident fund etc . The petitioner was issued with community certificate by the Special Tahsildar, Saidapet Taluk on 31.01.1983 and the same was not cancelled till date. After getting clarifications from the Tahsildar, he was appointed in the post of Clerical Cadre in the Indian Bank under the quota reserved for Scheduled tribes. At this stage, verification of his community status is uncalled for. The Government of India have issued guidelines



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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 has completed 32 years of service and retired in the year 2015.

7. 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 has 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 for closure of the proceedings.

Accordingly, the Special leave Petition stands disposed of.”



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8. Considering the facts and circumstances of the case and in the

light of the above decision of the Hon'ble Apex Court, we deem it fit to direct the respondents to forbear them from re-opening or conducting any enquiry with regard to the community certificate issued to the petitioner. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (N.M.,J.)
14.12.2023

Index : Yes / No

Speaking Order : Yes/No

Internet: Yes/No Neutral Citation: Yes/No
msv

To

1. The Chairman
State Level Scrutiny Committee III
Adi-Dravidar and Tribal Welfare Department
Namakkal Kavignar Maligai
Secretariat, Chennai 600009

2. The Secretary to Government
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