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W.P.No.35769 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2023

CORAM

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

**W.P.No.35769 of 2023
and W.M.P.No.35747 of 2023**

N.Jeya

... Petitioner

.Vs.

The State Level Scrutiny Committee-II

Rep. By its Chairman/Additional

Secretary to Government

Adi-Dravidar and Tribal Welfare Department

Namakkal Kavignar Maligai

Secretariat, Chennai-600 009

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to forbear the respondent or anybody authorised by him from reopening or conducting any enquiry with regard to the community certificate/status of the petitioner.

For Petitioner : Mr.M.Suresh Kumar

For respondent : Mr.S.Balamurugan, Government Advocate



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ORDER

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

This writ petition is filed praying to forbear the respondent from reopening or conducting any enquiry with regard to the community certificate/status of the petitioner.

2. It is averred in the Writ Petition that the petitioner was appointed as Clerk in the year 1985 in the State Bank of India, Thiruvananthapuram, under the quota reserved for Scheduled Tribe. The petitioner belongs to Kondareddis community and she produced the community certificate dated 20.06.1984 issued by the Revenue Divisional Officer, Nagercoil. Based on a third party complaint received by the Employer-Bank, the Assistant General Manager (HR), State Bank of India, requested the Government vide letter dated 25.10.2022 to cause verification of genuineness of “Hindu Kondareddy” Scheduled Tribe Caste Certificate issued to the petitioner.



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3. The Additional Secretary to Government, State Level Scrutiny Committee, by letter dated 21.12.2022, communicated to the Deputy Superintendent of Police, SC/STs-Vigilance Cell, Madurai Region, to verify the genuineness of the community certificate issued to the petitioner. A copy of the said letter was also issued to the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner was appointed based on the community certificate issued by the Revenue Divisional Officer, Nagercoil. The said community certificate has not been cancelled by any authority at any point of time. In such circumstances, based on the third party complaint which is no way connected to the petitioner, an enquiry is sought to be initiated, after a lapse of 37 years which is nothing but a futile exercise. The learned counsel for the petitioner would submit that the petitioner is due to retire on 30.04.2024 and therefore, verification of community certificate at this distant point of time, would be only an academic exercise.



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5. The learned Government Advocate appearing for the respondent-State Level Scrutiny Committee, would submit that Ministry of Tribal Welfare Department has stated that the community certificate issued by the competent authority may be accepted if sufficient proof in support of candidate's claim is there and requested the Ministries and Departments to ask SC/ST candidates to produce community certificates in the forms prescribed by them. Therefore, show cause notice would be issued to the petitioner to find out the genuineness of claim for community certificate.

6. Heard both sides and perused the records carefully.

7. It is the case of the petitioner that she has produced the community certificate issued by the Revenue Divisional Officer, Nagercoil, to the employer-State Bank of India. The employer did not chose to verify the community certificate at the earliest point of time and there was no doubt or complaint received as against the petitioner's claim. However, based on the request of the Assistant General Manager



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(HR) State Bank of India, Thiruvananthapuram, Kerala to cause verification of genuineness of “Hindu Kondareddy” , Scheduled Tribe Form of Caste Certificate, the present enquiry seeking letter was issued by the Chairman, State Level Scrutiny Committee. The 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 the case on hand, the petitioner is due to retire on 30.04.2024 and such an exercise would largely be academic.

8. The Honourable Supreme Court in ***R.Sundaram Vs. The Tamil Nadu State Level Scrutiny Committee and Others dated 17.03.2023***, in paragraph 16, held as follows:-

“16. It has been explicitly stated by this court that the exercise of verification of community certificate must be completed expeditiously. In the present case, however, as has been mentioned above, there has been an inordinate and unexplained delay of 19 years, an amount of time which cannot be fathomed, within the ambit of



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reasonable time.”

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9. In the light of the above decision of the Honourable Supreme Court, this court is of the view that the attempt of the respondent to initiate vigilance enquiry based on the request of the employer after a lapse of 37 years of petitioner's appointment is uncalled for. The petitioner's appointment was in the year 1985 based on the community certificate issued by the competent authority and the same held to be valid till date. In such circumstances, the attempt of the respondent to cause verification on the validity of a community certificate, is not appropriate.

10. In view of the foregoing observations, the Writ Petition is allowed. The respondent is directed not to proceed with the enquiry proceedings as regards the verification of community status of the petitioner. No costs. Consequently, connected miscellaneous petition is closed.



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(J.N.B, J.)

(N.M., J.)

21.12.2023

To
The State Level Scrutiny Committee-II
Rep. By its Chairman/Additional
Secretary to Government
Adi-Dravidar and Tribal Welfare Department
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J. NISHA BANU, J.
and
N.MALA,J.

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