



Cont.P.(MD).No.805 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.12.2023

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**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MRS.JUSTICE S.SRIMATHY**

Cont.P.(MD).No.805 of 2023
in
W.P.(MD).No.13122 of 2022
and
W.P.(MD).No.12983 of 2023
and
W.M.P.(MD).No.10990 of 2023

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The New India Assurance Company Limited,
Represented by Chief Regional Manager,
Madurai Regional Office,
2nd and 3rd Floor, CMTS Bhavan,
BSNL Telephone Exchange,
Ellis Nagar, 70 Feet Road,
Madurai – 625 016.

.. Petitioner/Petitioner

Vs.

1.Balasubramani,
Previous Chairman,
The State Level Scrutiny Committee,
Rep. by its Chairman/Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

..1st Contemnor/1st Respondent



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2.T.S.Jawahar I.A.S, Present Chairman,
Additional Secretary to Government,
The State Level Scrutiny Committee,
Rep. by its Chairman/Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009. .. 2nd Contemnor/1st Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the contemnors/respondents herein for committing willful disobedience to the order passed by this Court in W.P. (MD).No.13122 of 2022 dated 07.07.2022.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

W.P.(MD).No.12983 of 2023

D.Jayakumar

.. Petitioner

Vs.

1.The Deputy Superintendent of Police,
Vigilance Cell,
Office of the Superintendent of Police,
Subramaniyapuram,
Trichy.

2.The Chairman,
State Level Scrutiny Committee and
Secretary Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat, Chennai – 9. .. Respondents



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PRAAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, by calling for the records of the first respondent in its. C.No.108/DSP/SJ&HR/TRI/2023 dated 24.04.2023 and C.No.108/DSP/SJ&HR/TRI/2023 dated 23.05.2023 and quash the same and consequently refrain the respondents from making verification into the community status of the petitioner at this belated stage.

For Petitioner : Mr.A.Srinivasan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

COMMON ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The Contempt Petition has been instituted to punish the respondents for their wilful disobedience of the orders of this Court dated 07.07.2022 passed in W.P.(MD).No.13122 of 2022.

2. The Division Bench of this Court passed an order directing the State Level Scrutiny Committee to dispose of the representation submitted by the petitioner, i.e., New India Assurance Company Limited represented by Chief Regional Manager, Madurai.



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3. The learned counsel appearing on behalf of the contempt petitioner mainly contended that the community certificate obtained by the respondent employee was doubtful and enquiry was directed to be conducted. The State Level Scrutiny Committee being the authority to conduct an enquiry, this Court passed an order to look into the representation, for conducting an enquiry and dispose of the same by following the procedures.

4. During the course of arguments, it was brought to our notice that the second respondent in the Writ Petition, Mr.D.Jayakumar, employee, now working in New India Assurance Company Limited filed yet another Writ Petition in W.P.(MD).No.12983 of 2023, challenging the enquiry notice issued by the State Level Scrutiny Committee.

5. The learned Special Government Pleader made a submission that in view of the interim order passed in W.P.(MD).No.12983 of 2023, the State Level Scrutiny Committee is not in a position to comply with the order of the Division Bench dated 07.07.2022 in W.P.(MD).No.13122 of 2022.



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6. We have tagged the Writ Petition noticing the fact that the litigants are approaching the High Court in order to frustrate the enquiry proceedings to cull out the truth regarding the genuinity of the community certificate produced by them for securing employment in public sectors. In the present case, the employee, Mr.D.Jayakumar, secured appointment under the 'Scheduled Tribes' quota. When his community certificate has been questioned, he has to establish the genuinity of the certificate by undergoing the process of enquiry now pending before the State Level Scrutiny Committee. Instead, the litigants are instituting multiplicity of proceedings in order to frustrate the enquiry proceedings, which cannot be appreciated by this Court, but to be deprecated.

7. As far as W.P.(MD).No.12983 of 2023 is concerned, the very enquiry notice issued by the Deputy Superintendent of Police for conducting an enquiry and to submit a report to the State Level Scrutiny Committee is under challenge. The said enquiry notice would provide no cause for the purpose of filing a Writ Petition. The writ petitioner, Mr.D.Jayakumar, who is an employee, is bound to co-operate for conduct of



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an enquiry by the Vigilance Officer, who in turn has to submit his report before the State Level Scrutiny Committee for the purpose of conducting an enquiry and to pass appropriate final orders on merits and in accordance with law.

8. One of the grounds raised by the employee in the Writ Petition is that the enquiry has been ordered after a prolonged period, which is not maintainable on account of efflux of time. All such grounds raised by the employee may be placed before the State Level Scrutiny Committee for consideration.

9. In view of the above, the Writ Petition in W.P.(MD).No.12983 of 2023 is not entertainable and the petitioner, Mr.D.Jayakumar, is at liberty to produce all his documents/explanations, if any, for the purpose of establishing the genuinity of the community certificate issued in his favour. The State Level Scrutiny Committee shall conduct an enquiry as directed by this Court in W.P.(MD).No.13122 of 2022 and by affording opportunity to all the parties and pass orders on merits and in accordance with law within a period of four (4) months from the date of receipt of a copy of this order.



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The State Level Scrutiny Committee shall expedite the enquiry. It is made clear that none of the parties shall seek unnecessary adjournments on flimsy grounds. If at all any such adjournments are sought for, the State Level Scrutiny Committee shall record such conduct and proceed with the enquiry based on the materials available on record and dispose of the same.

10. With the above directions, both the Contempt Petition and the Writ Petition are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (S.S.Y.,J.)
20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1. The Chairman/Principal Secretary to Government,
The State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai – 600 009.

2. The Deputy Superintendent of Police,
Vigilance Cell,



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Office of the Superintendent of Police,
Subramaniyapuram, Trichy.



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and
S.SRIMATHY,J.

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