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W.P.(MD) No.9142 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.P.(MD) No.9142 of 2023
and
W.M.P.(MD) No.8260 of 2023**

K.Balakrishnan

... Petitioner

-vs-

- 1.The Tamil Nadu State
Level Scrutiny Committee-II
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai
- 2.The Deputy General Manager
UCO Bank
Zonal Office
328, Thambuchetty Street
Chennai-01
- 3.A.S.Mohan Ram
Deputy Conservator of Forest /
Member Secretary
State Level Scrutiny Committee-2
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat, Chennai



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4.The District Collector
Tirunelveli District
Tirunelveli

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order made by the first respondent in proceedings No.1852/CV-2/2015-22, dated 02.08.2022 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 & R4
Mr.PT.S.Narendravasan for R2
No appearance for R3

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The proceedings of the Tamil Nadu State level Scrutiny Committee, dated 02.08.2022, are sought to be quashed in this writ petition.

2. The petitioner states that he is a native of Parameshwarapuram Village, Radhapuram Taluk, Tirunelveli District. He belongs to “Kondareddy Community”, which is notified / identified by the Presidential Order issued



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under Article 342 of the Constitution of India to be a Scheduled Tribe community as regards the State of Tamil Nadu. The petitioner was issued with a community certificate on 08.07.1977, by the Deputy Tahsildar, Radhapuram Taluk, Tirunelveli District. Based on the said community certificate, on 01.07.1982, the petitioner secured appointment as Clerk-cum-Assistant Cashier in the second respondent – Bank. His service was confirmed on 01.01.1983. Since the appointment of the petitioner was made under the Scheduled Tribe quota, the second respondent – Bank insisted the petitioner to produce a fresh community certificate issued by the Tahsildar. Accordingly, the petitioner approached the authority concerned for community certificate. The promotional opportunities were denied to the petitioner, when he was in service and he attained the age of superannuation on 30.04.2018. He was allowed to retire from service, but the retirement benefits due to him were withheld on account of verification of the community certificate.

3. The case of the petitioner was referred to the Tamil Nadu State Level Scrutiny Committee for examination, since the petitioner produced Scheduled Tribe community certificate. The State Level Scrutiny Committee conducted an elaborate enquiry by scrutinizing the documents produced by



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the petitioner and recording his statement. The findings of the State Level Scrutiny Committee reveals as follows:

“19.The State Level Scrutiny Committee II carefully and independently examined the report of the Vigilance Cell along with records, statements, reply for show cause notice furnished by the individual and conclude that Thiru.K.Balakrishnan, S/o.Thiru.Kalyani Reddy does not belong to the “Hindu Kondareddis” Scheduled Tribe community. Accordingly, the State Level Scrutiny Committee-II confirms that the “Hindu Kondareddis” Community Certificate issued by the Deputy Tahsildar, Radhapuram, Tirunelveli, Community Certificate on 08.07.1977 (C.No.821/77) and Hindu Kondareddis form of Caste Certificate from the Additional Tahsildar, Veerakeralampudur on 09.03.1982 issued to Thiru.K.Balakrishnan, S/o.Thiru.Kalyani Reddy is Not Correct.

20.The State level Scrutiny Committee II hereby instructs the employer, UCO Bank to take stringent action against Thiru.K.Balakrishnan, S/o.Thiru.Kalyani Reddy as per law, for obtaining bogus community certificate by defrauding the Constitution of India and directs the District Collector, Tirunelveli to confiscate the said community certificate and send the report to Government.”



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4. Learned counsel for the petitioner mainly contended that the constitution of the State Level Scrutiny Committee itself was improper in the case of the petitioner and more so, enquiry was not conducted in consonance with the procedures established. It is further contended that the Member, who conducted the enquiry proceedings, had not passed the final order and therefore, the impugned order is to be set aside.

5. Learned counsel for the second respondent – Bank raised an objection by stating that the genuinity of the community certificate produced by the petitioner was doubted initially and therefore, the employer directed the petitioner to secure a fresh community certificate from the competent authority. Subsequently, the case of the petitioner was referred to the State Level Scrutiny Committee for enquiry and it was found that the community certificate produced by the petitioner was bogus. Thus, the action of the employer is in consonance with the principles and there is no infirmity and the writ petition is to be dismissed.



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6. Learned Government Advocate appearing for the respondents 1 & 4, on instructions, submitted that the State Level Scrutiny Committee constituted under G.O.(Ms) No.40, Adi Dravidar and Tribal Welfare Department, dated 13.07.2018, conducted an enquiry by affording due opportunity to the petitioner and there is no infirmity in the constitution of the Committee and more so, the members of the Committee are being transferred and new members are taking charge of the Committee and dealing with the files and passing orders and this being an administrative procedure, there is no infirmity as such in the impugned order passed by the first respondent.

7. We have heard the rival submissions and perused the materials available on record.

8. The State Level Scrutiny Committee consists of the Chairman, who was the Additional Secretary to Government, Adi Dravidar and Tribal Welfare Department; Member Secretary, who was the Deputy Conservator of Forests, Adi Dravidar and Tribal Welfare Department and Anthropologist, who was the Director (in charge), Tribal Research Centre, Ooty. All the members of the Committee are competent enough to consider the issues, since the



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Chairman and the Member Secretary are from Adi Dravidar and Tribal Welfare Department and the Anthropologist is from the Tribal Research Centre, Ooty. Therefore, the constitution of the State Level Scrutiny Committee cannot be said to be improper with reference to the Judgment of the Honourable Apex Court in the case of ***Kumari Madhuri Patil and Another Vs. Addl. Commissioner, Tribal Department, Thane***, reported in ***1994 SCC (6) 241***.

9. As far as the other grounds raised by the learned counsel for the petitioner are concerned, administrative files are periodically dealt with by the competent authority, who are all holding the position and it is not person oriented. The authority, who is holding the post, is competent to conduct enquiry and the incumbent official has to proceed further by following the files. When this being the administrative procedure, it may not be possible for one official to commence enquiry, complete the same and pass orders and such procedure is alien to administrative law. The official competent is expected to scrutinize the files and proceed from the place his predecessor left and complete the same in all respects by following the procedures and considering the merits of the case. That being the factum, the grounds raised by the learned counsel for the petitioner are untenable and contrary to the



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administrative law. Therefore, the petitioner has not made out any acceptable ground for the purpose of interfering with the impugned order passed by the first respondent, which is otherwise based on the documents and merits raised between the parties.

10. Accordingly, the writ petition fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

03.10.2023

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

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To:

1.The Tamil Nadu State Level
Scrutiny Committee-II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai.

2.The District Collector,
Tirunelveli District,
Tirunelveli.



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