



W.P.(MD) No.15936 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

**W.P.(MD) No.15936 of 2023
and WMP(MD) No.13346 of 2023**

K.Chandrasekaran

... Petitioner

-VS-

- 1.The Chairman
State level Scrutiny Committee
Adi-Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maaligai
Secretariat, Chennai 600 009.
- 2.The Chief Postmaster General
Tamil Nadu Circle,
Anna Salai
Chennai 600 002.
- 3.The Superintendent of Post Office,
Srirengam Division, Srirengam
Trichy 620 006.



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4. The Deputy Superintendent of police,
SC/ST Vigilance Cell
Madurai Region,
Madurai Collectorate Campus
Madurai 625 020

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to direct the 1st respondent herein to issue the validity certificate in respect of the petitioner's ST-Hindu Kattunayakkan Community Certificate as genuine by taking note of his blood relatives State Level Scrutiny Committee reports and other relevant documents without insisting upon the report of the 4th respondent in the light of the order reported in Civil Appeal No.2502 of 2022 dated 24.03.2023 rendered by the Hon'ble Apex Court on the basis of the petitioner's representation dated 13.06.2023.

For Petitioner : Ms.P.Kalaiyarasi Bharathi
For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

We have heard Ms.P.Kalaiyarasi Bharathi, learned counsel for the petitioner and Mr.D.Sasikumar, learned Additional Government Pleader for the respondents.



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2. The proceedings for issuance of validity certificate in respect of the petitioner's Scheduled Tribe - Hindu Kattunayakkan Community Certificate is pending with the State Level Scrutiny Committee.

3. The contention of the learned counsel for the petitioner that the State Level Scrutiny Committee should decide the matter without insisting for the report from the 4th respondent does not stand to reason nor the same can be accepted. The judgment of the Apex Court relied by the learned counsel for the petitioner in the case of *Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. the State of Maharashtra and others* (Civil Appeal No.2502 of 2022) only proclaims that the affinity test is not a litmus test to decide the caste claim. The judgment of the Supreme Court in the case of *Anand v. Committee for Scrutiny and Verificaton of Tribe Claims and others* reported in *2012 (1) SCC 113* is confirmed in the said case. various contingencies are laid down therein. Various contingencies are referred to as to when vigilance is to be ordered. Naturally, the State Level Scrutiny committee has to consider the judgments that would be referred by the petitioner of the Apex Court and this Court. The petitioner shall appear before the State Level Scrutiny Committee on 08.09.2023.



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The petitioner shall cooperate in expeditious disposal of the proceedings before the State Level Scrutiny Committee and also before the Vigilance. The State Level Scrutiny Committee shall endeavour to dispose the proceedings expeditiously in accordance with law and procedure, within six months from today. The writ petition as such stands disposed of. However, there is no order as to costs. Consequently connected Miscellaneous Petition is closed.

[S.V.G., CJ.]

[C.K., J.]

30.08.2023

NCC : Yes / No
Index : Yes / No
RR



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C.KUMARAPPAN, J.

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