



W.P.(MD) No.15669 of 2015

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM:

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

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.(MD).No.15669 of 2015

R.Ramakrishnan

... Petitioner

Vs

1. The District Level Scrutiny,
And Vigilance Committee For Verification of Community Certificate,
District Collector Office, Virudhunagar 626 002.
2. United India Insurance Co. Ltd
Through its Deputy General Manager/Appointing Authority,
Personnel Department, No.24, Whites Road,
Chennai 14.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent in Ref.No.Roc.No.T4/30345/2005, dated 12.03.2015 to quash the same and



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consequently directing the first respondent Committee to restore the petitioner community status as Hindu Vettuvan and further directing the second respondent to pay the terminal benefits increments, including stagnation increments and normal increments, all allowances and all other attendant monetary benefits.

For Petitioner : Mr. M.P.Senthil

For Respondents : Mr.J.Ashok (R1)
Additional Government Pleader

Mr.G.Prabhu Rajadurai (R2)

ORDER

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

We have heard Mr.M.P.Senthil, learned counsel for the petitioner, Mr.J.Ashok, learned Additional Government Pleader for the respondent No.1 and the learned counsel for the respondent No.2 and perused the judgment and also the documents produced by the petitioner.

2. The learned Additional Government Pleader for the respondents supports the judgment and submits that the petitioner miserably failed in the affinity test.



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The petitioner also could not prove that his ancestors belong to Tuticorin, Kanyakumari Districts or even the Taluk of Shencottah in Tirunelveli District. It is in these areas only the persons of Vettuvan community are found.

3. According to the learned counsel for the petitioner, the area restriction has been removed. The old sale deeds relied by the petitioner are not considered, though the vigilance had gone through the documents and had reported in favour of the petitioner.

4. Upon considering the submissions, it appears that the petitioner had produced the sale deeds of the year 1915 and 1946 on record. In a sale deed of 1946, the petitioner claims that his real paternal grandfather had purchased the property and in the year 1915, his great grandfather has purchased property. No doubt, the pre-constitutional documents will have more probative value, of course, the petitioner will have to produce the same before the Vigilance Department to prove the genealogy and the vigilance also has considered the genealogy produced by the petitioner. The petitioner will have to prove the relationship with the persons named as purchasers in the sale deed. If the



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grandfather of the petitioner has purchased the property in the year 1946, then, the said property certainly will devolve to his father or his uncle. The petitioner could have produced the said documents also.

5. Considering that the old documents have not been properly considered by the committee and the fact that the matter involves the social status of the petitioner, we are inclined to grant one more opportunity to the petitioner.

6. In the result, we pass the following order:

The impugned order is quashed and set aside. The parties are relegated before the committee. The petitioner shall appear before the committee on 21.09.2023. The petitioner is also permitted to place on record additional documents, if the petitioner so desires, on 21.09.2023. If additional documents are produced, the Committee may conduct a fresh vigilance in respect of the additional documents. If no documents are produced, then the petitioner shall place on record the genealogy to prove the relationship. The committee shall thereafter consider the said matter afresh on merits and take a decision, preferably, within three months from the date of appearance of the petitioner. The



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learned counsel for the petitioner submits that the Apex Court in the case of ***Maharashtra Adiwasi Thakur Jamat Swarakshan Samiti v. the State of Maharashtra and others*** (Civil Appeal No.2502 of 2022) has held that affinity test is not a litmus test. The petitioner may produce the same before the committee.

7. The writ petition is disposed of accordingly. However, there shall be no order as to costs.

[S.V.G., CJ.]

[C.K., J.]

01.09.2023

NCC : Yes / No

Index : Yes / No

RR

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