



W.P.(MD)No.17791 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

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K.Maruthapandian

Vs.

... Petitioner

- 1.The Chairman,
Tamil Nadu State Level Scrutiny Committee,
Adi-Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maaligai,
3rd Floor, Secretariat,
Chennai-600 009.
- 2.The Deputy Chief Personnel Officer (Gazetted),
South Railway, Park Town,
Chennai-600 003.
- 3.The Senior Personnel Manager, (Gazetted),
Southern Railway, Chennai-600 003.
- 4.The Workshop Divisional Personnel Manager,
Southern Railway, Ponmalai,
Tiruchirappalli.
- 5.The District Collector,
Theni District, Theni.



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6.The Sub Collector,
Periyakulam, Theni District.

...Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuant to the impugned order passed by the 1st respondent in 1636/CVIII/2010-19, dated 31.05.2018 and to quash the same as illegal.

For Petitioner : Mr.P.Saravanakumar

For R1, R5 & R6 : Mr.S.Kameswaran, Government Advocate

For R2 to R4 : Mr.K.R.Laxman

ORDER

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

The proceedings of the 1st respondent dated 31.05.2018 is sought to be quashed in the present Writ Petition.

2.The claims that he belongs to Hindu Kattunayakkan Scheduled Tribe Community. While joining in the school, the name of the community was wrongly entered as “Kudukuduppai Kattunayakkan” in SSLC records, however, subsequently, corrected by the Headmaster as “Kattunayakkan Scheduled Tribe Community”. On 26.09.1983, the then Tahsildar, Periyakulam, Madurai District



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issued community certificate, stating that the petitioner belongs to Kattunayakkan Community. The said certificate was issued based on the entries made in the school certificate. The petitioner secured appointment in Southern Railway by availing the benefit of reservation on the ground that he belongs to Kattunayakkan Community. The employer made a reference to conduct enquiry. The 1st respondent conducted enquiry by affording opportunity to the petitioner. The order impugned would reveal that the documents filed by the petitioner in support of his claim was though recorded not adjudicated on merits.

3.The learned counsel appearing for the petitioner would submit that there are no findings in respect of the documents nor any discussions made by the 1st respondent and therefore, the petitioner has chosen to file Writ Petition.

4.In the event of any doubt arises in respect of the community certificate, the same is to be referred for enquiry before the competent authority. In the present case, though a reference was made before the 1st respondent, the 1st respondent has failed to discuss about the documents filed by the petitioner nor we could able to see any fruitful findings for arriving a conclusion that the petitioner did not belong to Kattunayakkan Scheduled Tribe Community.



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5. Thus, we find infirmity in respect of the directions issued by the 1st respondent to cancel Kattunayakkan Scheduled Tribe Community Certificate dated 26.09.1983 issued by the then Tahsildar, Periyakulam and permanent Kattunayakkan Community Certificate dated 17.05.1993 issued by the Sub Collector, Periyakulam. Since reasons are inadequate for the purpose of arriving a conclusion, we are inclined to remit the matter back to the 1st respondent for fresh consideration.

6. Accordingly, the order impugned vide proceedings dated 31.05.2018 is set aside and the matter is remitted back to the 1st respondent for fresh consideration and to pass reasoned order by considering the documents filed by the parties and by affording opportunity to them. The said exercise is directed to be completed within a period of four months from the date of receipt of a copy of this order. The petitioner is at liberty to submit fresh documents if any before the 1st respondent.



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7. With the above directions, this Writ Petition stands allowed. No costs.

(S.M.S., J.) & (V.L.N., J.)

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

Yuva

To

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2. The District Collector,
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3. The Sub Collector,
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