



WEB COPY



W.P.No.246 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.246 of 2020

and

W.M.P.No.284 of 2020

K.Ganeshkumar

... Petitioner

Vs.

1.The Collector, Coimbatore District,
Coimbatore.

2.The Administrative Officer,
UR Rao Satellite Centre, Department of Space,
Old Airport Road, Bangalore – 17.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the 1st respondent in its Na.Ka.No.17088/1993/Ka3, dated 13.12.2019, and quash the same.



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For Petitioner : Mr.V.Vijayashankar
For R1 : Mrs.V.Yamuna Devi
Special Government Pleader
For R2 : Mr.V.Chandrasekaran
Senior Panel Counsel

ORDER

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

This writ petition is filed challenging the impugned order passed by the 1st respondent/District Collector for and on behalf of the District Level Vigilance Committee.

2.The petitioner states that he belongs to the community "Puthirai Vannan" which is a Scheduled Caste under the Scheduled Caste Order 1950. The petitioner obtained certificate from the Tahsildar who is also competent to give such certificate. Even though the petitioner refers to three certificates issued by the Tahsildar and admits that he was appointed as a Technical Assistant on 04.02.1985 in the Indian Space Research



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Organisation, Bangalore, by showing his community status as he belongs to Scheduled Caste, the petitioner's community status was doubted by the employer. On a reference from the employer of the petitioner, the District Level Scrutiny Committee initiated an enquiry. Even earlier, the petitioner had an occasion to file a writ petition and the writ petition was allowed by remitting the matter for fresh enquiry. Second time, the petitioner was constrained to file another writ petition, as the enquiry was not conducted by all the three members. The enquiry notice issued to the petitioner was again set aside with a direction to the three member District Level Vigilance Committee to make further enquiry. Thereafter, the District Collector has now passed an order dated 13.12.2019, which is under challenge in the above writ petition.

3. Even though the impugned order indicates that the same is passed by the District Level Vigilance Committee, there is no signature of the members of the Committee and the order does not show that it is an order or proceedings of the District Level Vigilance Committee. Learned counsel appearing for the petitioner submits that the Committee has not called for a



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report from the Vigilance Cell, which is mandatory as per the directions of the Hon'ble Supreme Court and this Court. Even the guidelines issued by the State Government requires a local inspection by the Vigilance Cell. In this case, the District Collector has referred to the report of the Revenue Divisional Officer, which is quite contrary to the directions and guidelines issued by the Government. It is seen that the copy of the report is not served on the petitioner. When a specific issue was raised by the petitioner, there is no counter affidavit denying the stand taken by the petitioner.

4.In these circumstances, this Court is of the view that the impugned order suffers from serious irregularities which cannot be cured. First of all, the District Collector alone is not competent and the Committee has to pass the order. Even though the order refers to the decision of the three member Committee, the order as such is issued by the District Collector under his signature and seal. The second ground raised by the petitioner is also important, as the District Level Scrutiny Committee failed to call for a report from the Vigilance Cell. Similarly, without even furnishing a copy of the Revenue Divisional Officer's report, the enquiry has been conducted and



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this would be in clear violation of principles of natural justice.

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5.For all these grounds, this writ petition is allowed and the impugned order of the District Collector, dated 13.12.2019, is set aside. However, liberty is preserved to the District Level Scrutiny Committee to hold fresh enquiry and pass appropriate orders after getting a report from the Vigilance Cell as well as Anthropologist. It is needless to say that the Committee as such should take a decision and not the District Collector alone. The enquiry shall be completed within a period of six months from the date of receipt of a copy of this order. The Committee is also directed to adhere to the guidelines issued by the Government in recent Government Order vide G.O.(Ms) No.104, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 21.08.2023. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
28.03.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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