



WEB COPY

W.P.No.2519 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2024

CORAM:
THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR. JUSTICE P.B. BALAJI

W.P.No.2519 of 2024

Union of India
rep. by the General Manager,
General Manager's Office,
Personnel Branch, Southern Railway,
Chennai-600003.

..Petitioner

Vs

1. The State Level Scrutiny Committee -I,
Rep. by its Chairman and
Additional Chief Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai-600009.

2.The District Level Scrutiny Committee,
Rep by its Chairman and District Collector,
Ariyalur District, Ariyalur.

3.R. Balasubramanian.

..Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, for a writ of certiorari, calling for the records from the file of the 1st respondent in proceedings No. 13466/CV-3(2)/2012-15 dated 20.12.2022 and quash the same and further direct the 1st respondent to proceed with enquiry and decide the genuinity of the Community Certificate of Hindu-Kammara scheduled



Tribe(certificate No. 464275 dated 22.8.1989) issued by the Tahsildar Jayakonam to the 3rd respondent by strictly following the guidelines issued by the Honble Supreme Court in Kumari Madhuri Patils case reported in 1994(6) SCC 241 and also by providing an opportunity of personal hearing to the petitioner.

For Petitioner - Mr. C.Kulanthaivel

For Respondents - Mr.Vadivelu Deenadayalan, AGP -R1&R2
Mr.N. Naganathan - R3

ORDER

Challenging the impugned order passed by the 1st respondent/State Level Scrutiny Committee in proceedings No. 13466/CV-3(2)/2012-15 dated 20.12.2022, declaring that the ST Kammara Community Certificate issued to the 3rd respondent is genuine, the present writ petition has been filed.

2. Learned counsel for the petitioner has submitted that earlier the 1st respondent/State Level Scrutiny Committee-I by order dated 17.06.2019 had cancelled the claim made by one A.R.Venkatachalam who is a relative of the 3rd respondent, as he does not belong to Kammara ST Community. Without considering the above aspect the 1st respondent/SLSC had passed the impugned order declaring the ST Kammara Community Certificate issued to the 3rd



respondent is genuine.

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3. According to the petitioner, the 1st respondent ought to have been conducted an independent enquiry and to decide it on own merits without getting influenced by the decision of the 2nd respondent/District Level Scrutiny Committee.

4. On the other hand, the learned Additional Government Pleader appearing for the 1st respondent has placed a counter affidavit before this Court wherein in paragraph no. 6 & 7, it is has been stated that the 3rd respondent has filed a writ petition before this Court in W.P.No.31826 of 2022 requesting to forbear the SLSC from re-opening the enquiry pertaining to the community certificate. Though the writ court passed orders infavour of the 3rd respondent on 28.11.2022, the said order copy was received by the 1st respondent only on 06.01.2024, but the 1st respondent has passed orders declaring the certificate issued by the Tahsildar to the 3rd respondent is genuine vide order dated 20.12.2022 i.e before the receipt of the said order copy of this Court.



5. In light of the aforesaid order passed by this Court in W.P.No. 31826 of 2022, dated 28.11.2022 and recording the submissions made in the counter affidavit filed by the 1st respondent, nothing survives for adjudication in the present writ petition. If the petitioner-department is aggrieved, it is open to them to approach the appropriate forum in the manner known to law.

6. In the result, the writ petition stands dismissed. No costs

(D.K.K., J.) (P.B.B., J.)
12.11.2024

Index : Yes/No
Internet : Yes
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To

1. The Chairman and Additional Chief Secretary to Government,
State Level Scrutiny Committee -I,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai, Secretariat,
Chennai-600009.

2. The Chairman and District Collector,
District Level Scrutiny Committee,
Ariyalur District, Ariyalur.



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