



W.P.No.9990 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON	:	22.12.2023
PRONOUNCED ON	:	08.03.2024

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.9990 of 2021
and W.M.P.No.10613 of 2021

P.Venkatesan

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu State
Level Scrutiny Committee- II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai 600 009

2. The Deputy General Manager(Admin) & D.L.O.,
Office of the General Manager,
Bharat Sanchar Nigam Limited,
Cuddalore 607 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the first



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respondent in its proceedings No.17430/CV-4(1)/2008-15 dated 05.02.2021
and quash the same.

For Petitioner : Mr.V.Vijayashankar

For R-1 : Mr.S.Balamurugan

For R-2 : Dr.D.Simon

ORDER

Per J.NISHA BANU, J.,

Seeking to quash the impugned order passed by the first respondent, the petitioner has preferred the present writ petition.

2. The case of the petitioner is that he belongs to Konda Reddis community which is classified as a Schedule Tribe and he was issued with such certificate by the Tahsildar in the year 1976 after due verification and enquiry. Several relatives of the petitioner also possess their case certificates stating as Konda Reddis community issued by the Revenue Authorities .

3. The petitioner joined service as Technician in the Department of Telecom. Subsequently, the petitioner got promoted as Telecom Technical



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Assistant, Junior Telecom Officer (JTO), Sub Divisional Engineer and finally as Divisional Engineer and attained the age of superannuation on 31.07.2016.

That being so, in the year 2008, the District Level Vigilance Committee summoned the petitioner for enquiry with respect to the genuineness of his caste certificate. Thereafter, the petitioner filed a writ petition in W.P.No.1259 of 2008, questioning the jurisdiction of the said Committee. However, the said W.P. was tagged along with a batch of writ petitions and came to be allowed by this Court vide order dated 21.04.2020, relegating the enquiry to the State Level Scrutiny Committee. However, till the petitioner reached superannuation in July 2016, no steps were taken by the first respondent in challenging the genuineness of the community certificate held by the petitioner.

4. Thereafter, at the end of the year 2017, the Vigilance Cell, Thiruvallur issued notice to the petitioner. The petitioner had sent a reply to the said notice by stating that he had already retired from service and as per the previous orders passed by this Court in cases of similiar nature, verification into the community status after retirement was not called for.

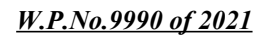


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Thereafter, the petitioner was not called for further enquiry by the first respondent. Later in December 2020, the first respondent had summoned the petitioner to appear for enquiry on 16.12.2020 and the same was received by the petitioner only on 15.12.2020. Due to COVID pandemic, the petitioner was unable to attend the enquiry and had sent a letter on 15.12.2020 requesting a period of three months in order to enable the petitioner to appear for the enquiry along with the relevant records.

5. The main grievance of the petitioner is that that first respondent Committee, without considering the petitioner's request and also without affording sufficient opportunity to the petitioner, has passed the impugned order vide proceedings No.17430/CV-4(1)/2008-15 dated 05.02.2021, cancelling the community certificate of the petitioner. Aggrieved against the same, the petitioner has filed the present writ petition.

6. Heard the learned counsel for the petitioner and the learned counsel appearing for the first and second respondents and perused the materials available on record.



8. It is pertinent to point out that the Hon'ble Apex Court and various Courts have time and again stressed that verification after retirement is



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a wasteful exercise and would be purely academic. In similar circumstances, in SLP(C) No.24458/2019 dated 03.03.2023, the Hon-ble Apex Court has held as follows:

“It is submitted that the respondent No.1 who served in the Railways has superannuated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe category.

Considering the above, we deem it is appropriate to order for closure of the proceedings.

Accordingly, the Special leave Petition stands disposed of.

9. Considering the facts and circumstances of the case and in the light of the above decision of the Hon'ble Apex Court, we are inclined to set aside the impugned order passed by the Tamil Nadu State Level Scrutiny Committee- II in proceedings No.17430/CV-4(1)/2008-15 dated 05.02.2021. Accordingly, the impugned order passed by the first respondent is hereby set aside and the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed. However, it is made clear that if



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the petitioner claims community certificate for his children based on his community certificate, then necessarily, the petitioner's community certificate has to be tested by the first respondent.

(J.N.B., J.)

(N.M., J.)

08.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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To:

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J.NISHA BANU, J.,
and
N.MALA, J.,

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Dated:
08.03.2024