



WP.No.11066 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

WP.No.11066 of 2024
WMP.Nos.11707 and 11708 of 2021

A.Rajendran

Petitioner

Vs

1. The State Level Scrutiny Committee by its Member Secretary
Adi Dravidar and Tribal Welfare Department, Chennai-5
2. The Principal Additional Chief Secretary and Chairman
Adi Dravidar and Tribal Welfare Department,
Chennai-9

Respondents

Prayer:- This Writ Petition has been filed, under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the order of the 1st Respondent dated 17.03.2021 made in Na.Ka.No.Pa.May/aa1/592/2020 and to quash the same.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.P.Kumaresan, AAG assisted by
Mr.G.Nanmaran, SGP-RR1 & 2
M/s.Agam Legal-R3

ORDER

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

1. This Writ Petition has been filed to issue a Writ of Certiorari to call for the



WP.No.11066 of 2024

records relating to the order of the 1st Respondent dated 17.03.2021 made in Na.Ka.No.Pa.May/aa1/592/2020 and to quash the same.

2. This Court heard the learned counsel on either side and also perused the material records placed before this Court.
3. The impugned order is nothing but a communication issued by the 1st Respondent/ State Level Scrutiny Committee, calling upon the Petitioner to give his statement in connection with the verification process in respect of the community status of the Petitioner.
4. The Petitioner has filed this Writ Petition challenging the proposal to hold an enquiry for verification of the community status only on the ground that the Respondents have no jurisdiction to hold an enquiry as to the community status when the Petitioner's Community certificate was issued in the year 1982. Since an enquiry has been initiated after the Petitioner attaining the age of superannuation and after served on the basis of the certificate issued about more than 38 years back, the Petitioner submits that the Community Certificate issued by the Tahsildar prior to 11.11.1999 is valid. The Petitioner also relied upon Office Memorandum dated 25.05.2005 issued by the Department of Personnel and Training, Government of India to the effect that the certificates obtained by the employees before 1995 cannot be the subject matter of scrutiny.
5. Since the community status as stated in the Community Certificate of the



WP.No.11066 of 2024

WEB COPY

Petitioner was allegedly found to be not true, as per the report of the Deputy Superintendent of Police, the 1st Respondent/State Level Scrutiny Committee directed the Petitioner to produce documents to prove his Community status. This Court is unable to find any irregularity in issuing the impugned notice. The certificate issued to the Petitioner can be the subject matter of review and verification by the State Level Scrutiny Committee, in view of the decision of the Honourable Supreme Court reported **1994 6 SCC 241 (Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Development**, wherein it is indicated that the certificates issued are to be scrutinised and verified by a Scrutiny Committee and that an employee or a candidate, who was issued with such a certificate, has to subject the same to verification by the Competent Scrutiny Committee. We have already held in our **judgement dated 12.04.2024 rendered in a batch of Writ Petitions in WP.No.9995 of 2021 (C.Arumugam Vs. Chairman, State Level Scrutiny Committee-II, Adi Dravidar and Tribal Welfare Department, Chennai and others)** that retirement of employee or the fact that the Community Certificate or employment obtained before 1995 cannot be a ground to invalidate the enquiry or verification by the competent Scrutiny Committee as to the genuineness or correctness of the Community Certificate. In view of the same, this Court finds no merits in this Writ Petition and accordingly, this Writ Petition is dismissed. No costs.



WP.No.11066 of 2024

WEB COPY

(S.S.S.R.J.) & (N.S.J.)
12.06.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation: Yes/No
Srcm

S.S.SUNDAR, J.
and
N.SENTHILKUMAR, J.

Srcm

To

1. The State Level Scrutiny Committee by its Member Secretary
Adi Dravidar and Tribal Welfare Department, Chennai-5
2. The Principal Additional Chief Secretary and Chairman
Adi Dravidar and Tribal Welfare Department,
Chennai-9

WP.No.11066 of 2024

12.06.2024