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W.P.No.16304 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

CORAM:

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

W.P.No.16304 of 2020

Mr.P.Rajendran

..

Petitioner

v.

1. The State Level Scrutiny Committee-III
Adi Dravidar and
Tribal Welfare (CV-4) Department
Secretariat, Fort St.George
Chennai 600 009

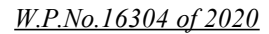
2. The Deputy Superintendent of Police
Adi Dravidar and Tribal Vigilance Cell
Villupuram District
Villupuram

3. The Chairman
Chennai Port Trust
Rajaji Salai
Chennai 600 001

..

Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus, to call for the
records of the 1st respondent's impugned proceedings in No.6799/CV-



For Petitioner	::	Mr.L.Chandrakumar for Mr.N.Naganathan
For Respondents	::	Mr.P.Kumaresan Additional Advocate General assisted by Mrs.V.Yamuna Devi Special Government Pleader for R1 & R2 Mr.R.Karthikeyan for R3

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

2. The petitioner, on the basis of his claim that he belongs to Hindu Mudugar community, which is a Scheduled Tribe community notified under the Scheduled Tribes Order, 1950, secured employment with the third



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respondent. It is the case of petitioner that his father belongs to Hindu Mudugar community (ST) and his mother belongs to Gramani community (BC). On the basis of an anonymous complaint from the Scheduled Castes Association, it appears that the third respondent has requested the State Level Scrutiny Committee to verify the community status of the petitioner. The petitioner participated in the enquiry. The first respondent, after referring to the documents relied upon by the petitioner and after holding enquiry, came to the conclusion that the petitioner belongs to Gramani community (BC) and not Hindu Mudugar, which is a Scheduled Tribe community. Challenging the same, the above writ petition is filed.

3. The grievance of the petitioner is that the State Level Scrutiny Committee relied upon the anthropologist's report, which was not prepared and submitted after enquiring the petitioner. The other ground taken by the petitioner is that the petitioner was not furnished with a copy of the report of the Vigilance Cell and that therefore there is violation of principles of natural justice.



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4. The Hon'ble Supreme Court and this Court have repeatedly held that at the time of enquiry into the community status of an individual, the individual, who is likely to be affected, should be given a fair opportunity. Every document which may be relied upon by the State Level Scrutiny Committee, which is adverse to the employee, should be supplied with a copy of the report. In the present case, the order impugned does not refer to the service of copy of the report of Vigilance Cell on the petitioner during or before the enquiry. Even though the petitioner's documents may not be sufficient, the reasons for rejecting the claim of the petitioner as to his community status is by relying upon the report of anthropologist as well the report of Vigilance cell. The petitioner has enclosed the report of Vigilance cell as well the report of anthropologist. Even in the counter affidavit, it is not indicated as to whether the reports were furnished to the petitioner before passing order. The report of Vigilance cell according to the first respondent was forwarded to Government vide letter dated 24.12.2019. In the absence of any evidence to show that the petitioner was supplied with the copy of the report of the Vigilance Cell, this Court finds that the impugned order is in violation of the principles of natural justice.



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Accordingly, the impugned order is set aside and the matter is remitted once again to the State Level Scrutiny Committee to cause fresh enquiry. The first respondent shall consider the documents and evidence after giving a fair opportunity. The petitioner has now produced before this Court the report of Vigilance Cell as well the anthropologist's report. Hence he is now permitted to raise his objection to the report within thirty days from the date of receipt of a copy of this order. The first respondent shall pass appropriate final orders, after giving a fair opportunity to the petitioner, within a period of sixteen weeks from the date of receipt of the objection, if any, from the petitioner. The writ petition stands allowed. Consequently, W.M.P.Nos.20400, 20401 of 2020 & 8430 of 2021 are closed. No order as to costs.

Index : yes/no
Neutral citation : yes/no

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

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To
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