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W.M.P.No.29113 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.09.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE N.MALA

W.M.P.No.29113 of 2024
in
Rev.Aplw.SR.No.114677 of 2024
in W.P.No.16921 of 2015

Union of India
Southern Railway
Rep by Deputy Chief Personnel Officer,
(I.R & Training), Head Quarters Office,
Personnel Branch,
Southern Railways,
Chennai

..Petitioner

Vs.

1. Tamilnadu State Legal Scrutiny Committee-Ii,
Rep by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Third Floor,
Chennai.

2. V. Kowsalya Devi

..Respondents

PRAYER IN W.M.P.NO.29113 OF 2024: This petition is filed under Section 5 of the Limitation Act to condone the delay of 286 days in filing the Review Petition against the order dated 01.11.2023 in W.P.No.16921 of 2020.



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PRAYER IN REV.APLW.SR.NO.114677 OF 2024: This Review Application is filed under Section 47 Rule 1 r/w 114 of the C.P.C. to review the order dated 01.11.2023 in W.P.No.16921 of 2020 passed by this Court.

For Petitioner : Mr.S.Janarthanam

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COMMON ORDER

(Order of the Court was made by J.NISHA BANU, J.)

The Writ Miscellaneous Petition has been filed to condone the delay of 286 days in filing the Review Petition. The Review Application has been filed to review the order dated 01.11.2023 passed in W.P.No.16921 of 2020.

2. Heard the learned counsel appearing for the petitioner.

3. The Writ Petition was filed challenging the order passed by the first respondent/State Level Scrutiny Committee dated 20.12.2019, by which the first respondent has given a finding that the Community Certificate (ST Kattunayakan Community) of the second respondent as genuine and further direct the first respondent to conduct due and proper enquiry afresh regarding the community status of the second respondent.



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4. The State Level Scrutiny Committee, after carefully and independently examining the available records submitted by the second respondent, the report of the Revenue Divisional Officer, Madurai, the report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing and SC/ST Vigilance Cell, Madurai, deposition of the second respondent and also considering the views of the Anthropologist, had passed the order dated 20.12.2019 confirming that the second respondent belongs to Kattunayakan (ST) Community. Hence, this court, vide order dated 01.11.2023, had dismissed the Writ Petition as there is no need for fresh enquiry regarding the community status of the second respondent.

5. Further, in the decision of this court reported in **2018 (3) CTC 122 [D.Rajappa and another Vs. State of Tamil Nadu, rep. By its Secretary to Government, Housing and Urban Development Department, Secretariat, Fort St.George, Chennai-9]**, it is held that differing view disturbing the finality of judgment is not permissible in review.

6. In the case on hand, there is no error apparent on the face of record to review the order passed by this Court in the said Writ Petition. The review Court cannot entertain the arguments touching the merits and demerits of the



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case and cannot take a different view disturbing the finality of the judgment.

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7. In such view of the matter, this Court finds that no ground is made out to review the order dated 01.11.2023. Therefore, this Court is not inclined to condone the delay in filing the review application. Accordingly, W.M.P.No.29113 of 2024 is dismissed. Consequently, Review Application is rejected at the SR stage itself. No costs.

[J.N.B.J.] [N.M.J.]
13.09.2024

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To

1. Tamilnadu State Legal Scrutiny Committee-Ii,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Third Floor,
Chennai.

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

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