



W.P.No.28715 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.28715 of 2023

and

W.M.P.No.28283 of 2023

L.Dharani Babu

... Petitioner

Vs.

1.State Level Scrutiny Committee,
represented by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The Deputy Superintendent of Police,
Social Justice and Human Rights
Thiruvallur District,
Thiruvallur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records in the order bearing Na.Ka.No.123/DSP/SJ&HR/TVLR/2022 dated 05.05.2022 passed by respondent No.2 and quash the same and to forbear the respondents from holding any further inquiry into the community status of



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the petitioner.

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For Petitioner : Mr.M.Radhakrishnan
For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.G.Nanmaran
Special Government Pleader

ORDER

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

This writ petition is filed challenging the notice sent to the petitioner by the Deputy Superintendent of Police on behalf of the Vigilance Committee in connection with the verification undertaken by the State Level Scrutiny Committee.

2.The only ground raised by the petitioner is that the respondents are holding enquiry in respect of the Community Certificate which is dated 17.04.1984, issued by the Tahsildar, Tiruttani, to the petitioner, showing the petitioner as one belongs to “Kammara” Scheduled Tribe Community. The case of the petitioner is that the belated enquiry is contrary to the directions of Hon'ble Supreme Court in the case of **Dayaram v. Sudhir Batham**



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reported in **(2012) 1 SCC 333** and that it is violative of Articles 14 and 21 of the Constitution of India.

3.This Court, in a batch of cases in ***W.P.Nos.9995, 20290 of 2021 & 12700 of 2022***, had an occasion to deal with the similar issue regarding verification of Community Certificates issued prior to 1995. While answering the said issue, by an order dated 12.04.2024, this Court held as follows :

“32.When the Hon'ble Supreme Court has rendered a judgment which is reiterated in several judgments of the Hon'ble Supreme Court, there cannot be an Office Memorandum which would whittle down the judgment of Hon'ble Supreme Court which is binding as a law declared in terms of Article 141 of the Constitution. When the judgment of the Hon'ble Supreme Court is binding not only as a precedent, but as a law declared, there cannot be an official instruction on the interpretation of the judgment so as to limit its operation. This is the mischief that was done by way of the Office Memorandum dated 24.12.2020.

33.Therefore, this Court is unable to agree with the



submission of the learned counsels appearing for the petitioners that there cannot be verification of Community Certificates which were obtained prior to 1995. Equally, merely because appointment was before 1995, it cannot be said that verification in those cases cannot be done, as rightly pointed out by Hon'ble Mrs. Justice N.Mala while expressing dissenting view that this Court cannot declare or legitimise fraud committed by a person merely because he obtained the false certificate or got employment based on a false claim before 1995. It is settled that fraud vitiates every solemn transaction and there cannot be a legal sanction to condone fraud if it is committed before 1995. Therefore, irrespective of date of Community Certificate or date of appointment before or after 1995, verification as to the genuineness of Community Certificate or claim as to one's community status shall continue to its logical end.”

4.The same principle is applicable in the case on hand. Therefore, the ground raised by the petitioner that there cannot be a belated verification of the Community Certificate which was issued to the petitioner long back in the year 1984, is rejected. Accordingly, this writ petition is dismissed as devoid of merits.



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5.From the counter affidavit filed by the 1st respondent, it is seen that the Deputy Superintendent of Police, Vigilance Committee, has submitted his report dated 07.11.2023 and the Anthropologist also has given his report to the State Level Scrutiny Committee. Therefore, further proceedings can go on by the State Level Scrutiny Committee. The proceedings shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (N.S., J.)
24.04.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1.The Chairman,
State Level Scrutiny Committee,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

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



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2.The Deputy Superintendent of Police,
Social Justice and Human Rights
Thiruvallur District,
Thiruvallur.

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