



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.10.2023

Delivered on : 11.01.2024

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs.JUSTICE N.MALA

W.P.Nos.32370 and 32374 of 2022
and W.M.P.No.31764 of 2022

A.Senthilkumar ... Petitioner in W.P.No.32370 of 2022
K.P.Dinesh Kumar ... Petitioner in W.P.No.32374 of 2022

Vs

1. The Chairman,
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai-600 009
- 2.The Revenue Divisional Officer
Tiruttani
Tiruvallur District ..Respondents 1 and 2 in both WPs
- 3.The Manager (HR)
State Bank of India
Local Head Office
No.16, College Lane
Chennai-600 006 ..3rd Respondent in W.P.No.32370/2022



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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4.The Superintendent of Post Offices
Kanchipuram Division
Kanchipuram-631 501

..3rd respondent in W.P.No.32374/2022

Prayer in W.P.32370/2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to relinquish the verification process of the community certificate of the petitioner dated 10.01.2018 in Certificate No.238970 issued as per the orders passed in Rev.P.No.102 of 2017 dated 24.11.2017 on the file of this court as per the dictum laid down by the Apex Court in the case of Dayaram Vs. Sudhir Batham and others reported in 2011(6) CTC 192 that “if caste certificate are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committees”.

Prayer in W.P.32374/2022: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to relinquish the verification process of the community certificate of the petitioner dated 02.02.2018 in Certificate No.238972 issued as per the orders passed in W.P.No.11158 of 1988 dated 24.07.1997 on the file of this court as per the dictum laid down by the Apex Court in the case of Dayaram Vs. Sudhir Batham and others reported in 2011(6) CTC 192 that “if caste certificate are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committees”.



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W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

For Petitioner : Mr.S.Doraiswamy
in both WPs

For Respondents : Mr.Abishedmoorthy, Govt.Advocate
for R1 and R2
Mr.Anand Gopalan for M/s.T.S.Gopalan
& Co
for R3 in W.P.32370/2022

Mr.S.Janarthanan, SPC for R3
in W.P.No.32374 of 2022

COMMON ORDER

(The Order of the Court was made by J.Nisha Banu,J.)

The above writ petitions are filed praying for a direction to the respondents to relinquish the verification process of the community certificate of the petitioners as per the dictum laid down by the Apex Court in the case of *Dayaram Vs. Sudhir Batham and others reported in 2011(6) CTC 192* that “if caste certificate are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committees”.

2. The petitioner in W.P.No.32370 of 2022 would submit in the affidavit in the writ petition that the petitioner's father who worked as



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

Postman at Kancheepuram Division, got the community certificate that he belongs to Kondareddis (ST) community was verified as genuine. When the father of the petitioner requested to issue community certificate to the petitioner and his sister A.Preethi. However, their application was rejected by the 2nd respondent on the ground that they belong to “Kondhalakulam” community.

3. Aggrieved by the rejection, the petitioner's father filed writ petition before this court and this court categorically directed the respondent to issue community certificate as prayed for in the writ petition. Thereafter, the 2nd respondent issued community certificate to the petitioner and his sister stating that they belong to Kondareddis (ST) community.

4. Thereafter, the petitioner on applying for Banking Personnel Selection, got selected for the post of General Banking Officer. To issue the community certificate of the petitioner, his father requested the 2nd respondent to issue the same in format. However, due to delay, the petitioner filed W.P.No.29671 of 2018 and this court directed the 2nd



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

WEB COPY

respondent to issue community certificate to the petitioner in the prescribed format. However, due to delay in issuing the community certificate by the RDO, the petitioner could not join the post. Thereafter, the petitioner got selected in State Bank of India and on production of community certificate, the 3rd respondent wanted to verify as to whether it was issued by the RDO, Tiruttani or not. However, the 2nd respondent had referred the matter to the State Level Scrutiny committee for verification of community certificate of the petitioner.

5. In so far as W.P.No.32374 of 2022 is concerned, the petitioner submitted in the affidavit that he belongs to Kondareddis community which is classified as Scheduled Tribe Community. As per the direction of this Court, 2nd respondent issued community certificate to the petitioner.

6. The learned counsel for the petitioner would submit that the petitioner in W.P.32370 of 2022 is concerned, the community certificate was issued to the petitioner by the 2nd respondent only after due and proper enquiry and after the orders of this court dated 24.11.2017. As such the



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

WEB COPY

petitioner's community status is genuine and there is no need for the State level scrutiny committee to verify the community certificate. The petitioner filed additional typed set of papers and would submit that the petitioner's father was issued with 'Konda Reddy' community certificate showing that the said community is included in the list of Scheduled Tribe by proceedings dated 03.02.1982. Further, the Collector, Chenglepet District, by proceedings dated 08.02.1982, stated that the petitioner's father's grand father was noted as Kondala Reddy, hence, the Tahsildar, Tiruttani, viewed that petitioner's father belongs to Konda Reddy community which is included in the list of scheduled tribe.

7. The petitioner counsel in WP.32374 of 2022 would contend that the employer of the petitioner viz., the 3rd respondent by letter dated 31.07.2020 has specifically addressed the District Adi-Dravidar and Tribal welfare officer, Tiruvallur to cause verification on the genuineness of petitioner's community certificate issued by 2nd respondent. The District Adi-Dravidar and Tribal welfare officer, Tiruttani, called for a report from the 2nd respondent by letter dated 31.07.2020. In this regard, the 1st



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

WEB COPY

respondent-Chairman, State level scrutiny committee has directed the District Collector, Tiruvallur, to send the original records pertaining to issuance of Konda Reddy community certificate to the petitioner. However, in the case on hand, the verification of correctness of the community certificate shall not be directly to the Chairman, State level scrutiny committee. The petitioner counsel would further contend that only in cases of doubtful certificates, it has to be referred to Principal Secretary to Government, Adi Dravidar and Tribal welfare department. The petitioner's community certificate has been issued based on the detailed order passed by this court in WP.11158 of 1988 dated 24.07.1997, therefore, the question of verification of the community certificate of the petitioner does not arise.

8. The 2nd respondent filed counter in W.P.No.32370 of 2022 stating that the petitioner's community certificate was issued by the 2nd respondent on 10.01.2018 certifying that the petitioner belongs to Konda Reddy community which is recognized as Scheduled Tribes as per the Scheduled caste and Scheduled tribe orders. The petitioner's employer -3rd respondent requested to send genuineness of the Konda Reddy community certificate



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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issued to the petitioner. The District Adi dravidar and Tribal welfare officer, Tiruvallur called for a report on the genuineness of the community certificate of the petitioner for taking a decision before the District level scrutiny committee. Therefore, disposal file relating to issuance of community certificate to the petitioner was sent to the District Adi-dravidar and Tribal welfare officer, Tiruvallur by the second respondent on 03.10.2018.

9. Since there was allegations raised by Middlepath Trust, Chennai that Konda Reddy Certificates were issued to certain ineligible persons in Tiruttani Division in the year 2018, disposal files relating to the issuance of Konda Reddy community certificate including the disposal of the petitioner were sent to the District Adi dravidar and Tribal welfare officer, Tiruvallur, by the 2nd respondent. Therefore, according to the 2nd respondent, necessary genuineness report will be sent to the authorities concerned after the receipt of the orders from District Collector, Tiruvallur.

10. The 2nd respondent has filed counter affidavit in WP.32374/2022.

It is submitted that the officer has issued the Scheduled Tribe Community



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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certificate to the petitioner on 02.02.2018 certifying that the petitioner belongs to Konda Reddy community. It is also submitted that the employer of the petitioner/3rd respondent addressed to Member Secretary, District Adi-dravidar and Tribal welfare officer, Tiruvallur to cause verification on the genuineness of the petitioner's community through the board by letter dated 31.7.2020. Subsequent letter was also addressed to Chairman, Tamil Nadu State level scrutiny committee on 27.1.2022.

11. The 2nd respondent would further state in the counter that the District Adi-dravidar and Tribal welfare officer, Tiruvallur, has requested to send a report by letter dated 29.09.2020. The 1st respondent-Chairman, State level scrutiny committee directed the District Collector, Tiruvallur to send the records relating to issuance of Konda Reddy community certificate. The 2nd respondent also sent the required documents to the District Adi-dravidar and Tribal welfare officer, Tiruvallur.

12. According to 2nd respondent, with respect to the letters of the 1st respondent dated 09.02.2022 and the District Adi-dravidar and Tribal



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

welfare officer, Tiruvallur dated 29.09.2020, reports were sent to the District Adi-dravidar and Tribal welfare officer, Tiruvallur on 21.10.2020 and to the 1st respondent on 21.04.2022. It is also submitted that the Government directed the District Collector, Tiruvallur, to take suitable action in respect of 296 Konda Reddy community certificates including the petitioner's community certificate in letter dated 21.12.2022. The orders of the District Collector, Thiruvallur are awaited.

13. Heard both sides and perused the affidavit, typed set of papers and counter affidavit filed by the 2nd respondent.

14. In the given facts and circumstances of the case, the community certificate was issued to the petitioner by the RDO, Tiruttani, Thiruvallur District, after due verification. As far as complaint/allegation received from Middlepath Trust, Chennai, is concerned, it is a third party complaint. This court in the case of ***R.Gurusamy Vs. the District Collector, Coimbatore, [1999 [3] MLJ 89***, has held that it is not open to the authorities to verify the community certificate of the concerned persons merely on the basis of a



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

complaint received from the third parties.

15. In the cases on hand, community certificate was issued only after verification and based upon the detailed order passed by this court. Hence, it can be concluded that if caste certificates are issued after due and proper inquiry, such caste certificate will not call for verification by the scrutiny committee.

16. In identical matters, the High court and Hon'ble Apex court held that if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committee. In the case of *Dayaram Vs. Sudhir batham and other reported in 2011 [6] CTC 192*, the Hon'ble Apex Court held that 'if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the scrutiny committee.

17. Following the same, this Court in *K.Srimathi vs. The Controller of Examination, Tamil nadu Dr.MGR medical univeristy and others*



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

[W.P.22741/2023 dated 19.09.2023] referred to the decision of Supreme Court in ***J.Chitra Vs District Collector and Chairman, State level vigilance committee, Tamil nadu and others reported in 2021 [9] SCC 811*** and observed as follows ;

'8. In Dayaram [supra], this court was of the view that the Scrutiny Committee is an administrative body which verifies the facts and investigates into claims of caste status. The orders of the Scrutiny committee are open to challenge in proceedings under Article 226 of the constitution of India. It was further held by this Court that permitting civil suits with provisions for appeals and further appeals would defeat the very scheme and will encourage the very evils which this Court wanted to eradicate. It was observed that the entire scheme in Kumari Madhuri Patil (supra) will only continue till the legislature concerned makes an appropriate legislation in regard to verification of claims for caste status as SC/ST. It was made clear that verification of caste certificates issued without prior inquiry would be verified by the Scrutiny Committees. Such of those caste certificates which were issued after due and proper inquiry need not to be verified by the scrutiny Committees."

18. A careful reading of the above judgment would go to show that



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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the community certificate is an acknowledgement of a person as belonging to the Scheduled Caste and Scheduled Tribe community and therefore, repeated investigations into the genuineness of the community certificates of persons belonging to Scheduled caste and Scheduled tribe communities would be detrimental to their interest. The purpose of verification of caste certificates by Scrutiny Committees is to avoid false and bogus claims. Repeated inquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and Scheduled Tribes. Reopening of inquiry into caste certificates can be only in case they are vitiated by fraud or when they were issued without proper inquiry.?But in the cases on hand, the petitioners were issued with community certificate after due enquiry and verification and after the direction of this court. Both petitioners' father's community certificate were found to be genuine and based on the same, petitioner's community certificate was issued. Therefore, this court is of the view that further verification is not required in the present cases.

19. In the light of the above discussion, the verification process



W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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requested by the respondents in respect of the community certificate of the petitioners is nothing but reopening the matter for fresh inquiry, wherein, the community certificate was issued only after due enquiry and verification. Therefore, such repeated enquiry into the community certificate that too when the community certificate issued in favour of close relatives viz, father of the petitioner in the cases on hand, subsist, the authorities are bound to consider the same. Therefore, the action of the respondents in verifying the community certificate is unjustified. Accordingly, the writ petitions stand allowed. Repeated investigation and verification is unwarranted in so far as the petitioners are concerned. No costs. Consequently, connected miscellaneous petitions are closed.

(J.N.B.,J.) (N.M.,J.)
11.01.2024

Index:Yes/No
Speaking/Non-speaking order
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W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

To

1. The Chairman,
Tamil Nadu State Level Scrutiny Committee
Adi Dravidar and Tribal Welfare Department
Secretariat
Chennai-600 009
2. The Revenue Divisional Officer
Tiruttani
Tiruvallur District
3. The Manager (HR)
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No.16, College Lane
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W.P.Nos.32370 of 2022
and W.P.No.32374 of 2022

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

nvsri

W.P.Nos.32370 and 32374 of 2022

11.01.2024