



W.P.No.34881 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

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V.Ragavi

... Petitioner

Vs.

The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to issue the Form of Caste Certificate in prescribed format issued by the Railway Recruitment Board on or before 21.12.2023 based upon the Community Certificate already issued to the petitioner in Certificate No.442138 in R.Dis.152/A4/2018, dated 13.02.2018, issued by the respondent that she belongs to Kondareddis (ST) Community.



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For Petitioner : Mr.S.Doraiswamy
For Respondent : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.R.Kumaravel
Additional Government Pleader

ORDER

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

This writ petition is filed for issuance of a Writ of Mandamus directing the respondent to issue the Form of Caste Certificate in prescribed format issued by the Railway Recruitment Board on or before 21.12.2023 based upon the Community Certificate already issued to the petitioner in Certificate No.442138 in R.Dis.152/A4/2018, dated 13.02.2018, issued by the respondent that she belongs to Kondareddis (ST) Community.

2.Brief facts that are necessary for the disposal of this writ petition are as follows :

The petitioner obtained Community Certificate on 13.02.2018 showing that she belongs to Kondareddis Community which is in the list of Scheduled Tribes. After completion of B.E. Degree, the petitioner appears



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to have applied for a job before the Railway Recruitment Board for the post of Junior Engineer. After written examination, it is the case of the petitioner that she was selected for the post of Junior Engineer. The petitioner, after obtaining provisional appointment order on 12.10.2023, appeared for medical examination on 18.10.2023 and her selection was confirmed as she cleared the medical examination. However, the petitioner was directed to produce the Community Certificate in the prescribed format by the Southern Railways on or before 21.12.2023. The petitioner preferred an application to the respondent on 30.11.2023 requesting issuance of Community Certificate in the prescribed format as required by the Railways, based upon the certificate which was already given to the petitioner declaring her community status as “Kondareddis”. Since the respondent had not issued the Community Certificate in the prescribed format, the petitioner has come by way of this writ petition for issuance of Community Certificate in the prescribed format as requested by the Railway Recruitment Board.

3.A Status Report was filed by the Revenue Divisional Officer. It was pointed out therein that the Government issued a letter dated 21.12.2022 with a direction to the District Collector, Tiruvallur, to take suitable action



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regarding issuance of “Kondareddis” Community Certificate to 296 individuals in Tiruvallur District in the year 2018. In the Status Report, it was further mentioned that the District Collector has conducted enquiry and based on final orders that would be passed by the District Collector pursuant to the enquiry, the petitioner's request to issue Community Certificate in the prescribed format will be considered.

4.This Court is surprised to note that the District Collector, quite contrary to the submission made earlier by the learned Additional Advocate General before this Court, as seen from the order dated 21.12.2023, conducted an enquiry by himself and passed an order cancelling the Community Certificate originally issued to the petitioner. This order passed by the District Collector is contrary to the dictum of the Hon'ble Supreme Court and the Government Order, that verification of community status should be done only by the State Level Scrutiny Committee in case of Scheduled Tribes. Therefore, the District Collector was directed to comply with the earlier directions of this Court.

5.As a matter of fact, this Court, by order dated 21.12.2023, recorded the submission of the learned Special Government Pleader to the effect that



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issuance of Community Certificate in the prescribed format is under process and it will be issued within a period of two weeks. Though the matter was posted again for reporting compliance, the respondent, instead of issuing Community Certificate, filed a Status Report as pointed out earlier. Therefore, this Court directed the respondent to comply with the earlier direction of this Court and report compliance. However, an affidavit is also filed by the District Collector, Tiruvallur, pointing out as if the cancellation of Community Certificate was pursuant to the directions passed by the Government to verify the genuineness of the Community Certificate issued by a Revenue Divisional Officer in favour of 296 persons.

6.It is to be pointed out that the Hon'ble Supreme Court and this Court have consistently held that the verification of Community Certificate in respect of Scheduled Tribes should be done only by the State Level Scrutiny Committee. It is not the case of the respondent that the Community Certificate originally issued to the petitioner was not by a competent authority or that the Certificate is forged. The petitioner has produced several documents to show that the petitioner's relatives belong to Scheduled Tribe. The cancellation of Community Certificate issued by a



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competent authority is not automatic. Once a Certificate is issued as to the community status of an individual, the authenticity and genuineness of the Certificate can be verified only by the State Level Scrutiny Committee, as per the Government Order which was issued pursuant to the judgment of the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others*** reported in ***(1994) 6 SCC 241***.

7. In a similar case, this Court has directed the official respondent to issue Community Certificate to the petitioner with liberty to the respondent to seek verification of the community status of the petitioner or his relatives by the State Level Scrutiny Committee. In the present case, when the petitioner had obtained a Community Certificate in 2018 and the same was issued by a competent authority, the petitioner's request to issue Community Certificate in the prescribed format as directed by the Railways cannot be declined, especially when the valid Certificate issued to the petitioner cannot be presumed to be irregular merely because some of the Certificates issued by the same authority is found improper. Having come forward with a stand before this Court earlier that the respondent will issue the



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Community Certificate to the petitioner in the prescribed format, indicating that the issuance of such Community Certificate is under process, it is not proper for the respondent to turn around and to proceed with an enquiry to verify into the community status of the petitioner.

8.The petitioner relied upon a judgment of the Division Bench of this Court holding that verification process requested by the respondent in respect of Community Certificate of an individual cannot be permitted, as the individual was given Community Certificate only after due enquiry and verification. However, it is to be noted that the Community Certificates are issued by the Tahsildars or Revenue Divisional Officers based on documents and materials produced by the candidates who are asking for Community Certificate. It is true that the competent authority, under directions by Courts, has to consider the application for grant of Community Certificate within a time stipulated. However, having regard to the limited resources, this Court cannot expect the officials who are competent to issue Community Certificate to hold an enquiry and ensure that the community declared by the Tahsildar or Revenue Divisional Officer is valid. Since the enquiry in relation to Community Certificate is by the instrumentalities of



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the State on the basis of materials that are furnished by the candidates, the same cannot be given binding effect once there are materials which would show the claim of the candidate is not genuine. Considering the facts even in this case, the genuineness of the Community Certificate cannot be gone into by the District Collector and it shall be by referring the matter to the State Level Scrutiny Committee.

9. Therefore, this Court is inclined to pass the following orders :

- i. The order passed by the District Collector, dated 01.02.2024, cancelling the Community Certificate already issued to the petitioner, is not valid and therefore, is set aside.
- ii. The respondent/Revenue Divisional Officer is directed to issue Community Certificate to the petitioner in the prescribed format as it has been requested by the petitioner for getting employment. The Certificate shall be issued by the respondent/Revenue Divisional Officer within a period of two weeks from the date of receipt of a copy of this order.
- iii. The issuance of Community Certificate to the petitioner in the year 2018 or now pursuant to the directions of this Court, shall not stand



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in the way of the respondent referring the matter for investigation or for scrutiny before the State Level Scrutiny Committee, which is competent to go into the genuineness of the Certificate that may be issued by the Revenue Divisional Officer.

10. With the above directions, this writ petition is disposed of. No costs.

(S.S.S.R., J.) (N.S., J.)
13.02.2024

mkn

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The District Collector,
Tiruvallur District,
Tiruvallur.

2. The Revenue Divisional Officer,
Tiruttani,
Tiruvallur District.



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and
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