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Rev.Apl. W (MD) No.23 of 2015
and
W.P.(MD) No.15445 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
12.03.2024	28.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Rev.Apl. W (MD) No.23 of 2015
and
W.P.(MD) No.15445 of 2015
and
M.P.(MD) Nos.1 & 2 of 2015

Rev.Apl. W (MD) No.23 of 2015:

R.Thenmozhi

... Petitioner

-VS-

1.The State Level Scrutiny Committee
Adi-Dravida & Tribal Welfare Department
Namakkal Kavignar Maaligai
Chennai-9

2.The General Manager
Indian Bank, Zonal Officer
Aenni Plaza, Bharathiar Road
Trichi

... Respondents

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PRAYER: Review Application filed under Order XLVII, Rule 1 of the Code of Civil Procedure, against the judgment dated 04.03.2015 made in W.P.(MD) No. 12602 of 2012.

For Petitioner : Mr.Ramsundar Vijayaraj
for M/s.Veera Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.N.Dilip Kumar for R2

W.P.(MD) No.15445 of 2015:

R.Thenmozhi

... Petitioner

-vs-

1.The State Level Scrutiny Committee
Adi-Dravida & Tribal Welfare Department
Namakkal Kavingar Maaligai
Secretariat, Chennai

2.The Deputy Superintendent of Police
Vigilance Cell (SC & ST)
District Collectorate
Trichy, Trichy District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records relating to the impugned order passed by the second respondent in his proceedings in No.Nil, dated 31.07.2015 and the consequential order passed by the second respondent in his proceedings Nil 14.08.2015 and quash the same as illegal.



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For Petitioner : Mr.M.Ajmal Khan, Senior Counsel
for M/s.Ajmal Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1
Mr.N.Dilip Kumar for R2

COMMON ORDER

D.KRISHNAKUMAR, J.

The order dated 04.03.2015 passed in W.P.(MD) No.12602 of 2014 dismissing the writ petition filed by the petitioner challenging the order dated 09.07.2014 passed by the State Level Scrutiny Committee rejecting the claim of the petitioner and recommending to cancel the Hindu Konda Reddy Scheduled Tribe Community certificate dated 05.08.1977, issued by the Tahsildar, Thiruvidadaimarudhur, is sought to be reviewed in the above review application.

2. W.P.(MD) No.15445 of 2015 has been filed by the petitioner challenging the notices issued by the Deputy Superintendent of Police directing the petitioner to produce the relevant documents to prove her community status.



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3. According to the petitioner, she has been working as Clerk-cum-Typist in Indian Bank, Ariyamangalam Branch, Trichy District. She was initially appointed as Clerk-cum-Typist on 06.06.1981. She has rendered 34 years of unblemished service. She belongs to Hindu Konda Reddy, which comes under Scheduled Tribe Community. The community certificate issued to the petitioner came to be cancelled by the District Collector, Thanjavur, by order dated 30.08.1995. Challenging the same, the petitioner earlier filed W.P.No.2351 of 1996 and the said writ petition came to be disposed of by order dated 29.11.2001 directing the District Level Committee to dispose of the matter within a period of three months.

4. Further, according to the petitioner, as per G.O.2D No.108, Adi Dravidar & Tribal Welfare Department, dated 12.09.2007, the District Level Committee is not the competent authority to enquire about the genuineness of Scheduled Tribe Community Certificate and it is only the State Level Scrutiny Committee consisting of Secretary to Government, Adi Dravidar & Tribal Welfare Department as Chairman, Director and Commissioner of Tribal Welfare as Member Secretary is the competent authority. Therefore, the petitioner's case was referred to the State Level Scrutiny Committee as per



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G.O.(2D) No.108, dated 12.09.2007. Subsequently, the State Level Scrutiny Committee in order to ascertain the community status of the petitioner issued a notice to her on 09.08.2011 directing her to appear for enquiry on 09.08.2011 and produce all the documents in support of her claim. According to the petitioner, the notice was served on her only on 19.08.2012 and she could not appear for the enquiry, but her husband appeared and got adjournment. Thereafter, the petitioner was issued with another notice on 30.12.2011 to appear for enquiry. Due to ill health, the petitioner could not appear and subsequently, she was issued with another notice on 12.05.2014 directing her to appear for enquiry on 20.05.2014. Subsequently, the State Level Scrutiny Committee passed an order dated 09.07.2014 declaring the petitioner's community certificate as not genuine. Challenging the same, the petitioner filed W.P.(MD) No.12602 of 2014 and the same was dismissed by this Court by order dated 04.03.2015. Aggrieved over the same, the petitioner filed a Special Leave Petition in S.L.P.No.9855 of 2015 before the Supreme Court and it was dismissed as with liberty to approach this Court and seek for review of the order passed by this Court.



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5. This Court considered the contentions of the petitioner in detail and passed an order dismissing the writ petition with cost of Rs.1,00,000/- and the operative portion of the said order reads as follows:

“18.It is seen that the Senior IAS Officer, Secretary to Government, Adi Dravidar and Tribal Welfare Department, as Chairman, the IFS Officer as Director of Tribal Welfare, and the Anthropologist, Head of the Department of Anthropology, University of Madras, Chennai, as State Level Scrutiny Committee, conducted enquiry, after providing reasonable opportunity to the petitioner, they unanimously held that the petitioner does not belong to the 'Hindu-Konda Reddis' Community of Scheduled Tribe and the Committee has also directed the District Collector, Thanjavur to book criminal case against the petitioner herein, for fraudulently getting community certificate for the purpose of obtaining job in Indian Bank.

19.On the aforesaid circumstances, having filed the writ petition stating that the District Level Scrutiny Committee is not the competent authority and only the State Level Scrutiny Committee has the power and competency to decide the issue, it is not open to the petitioner to raise a contradictory plea that the State Level Scrutiny Committee is not empowered to decide the



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issue relating to the genuineness of the community certificate of the petitioner herein and that too after having participated in the enquiry conducted by the State Level Scrutiny Committee.”

6. Challenging the said order, special leave petition was filed and the same was also dismissed as withdrawn with liberty to file a review application before this Court. Accordingly, the present review application has been filed by the petitioner contending that the State Level Scrutiny Committee before passing the order declaring the petitioner's community as not genuine, has not obtained any report from the District Vigilance Cell. Only thereafter, the District Vigilance Cell issued a notice dated 31.07.2015 directing the petitioner to produce the documents available with her to prove her community status. In such circumstances, the petitioner has filed the present review application by contending that no report was obtained from the District Vigilance Cell before her community certificate was declared as not genuine.

7. A careful perusal of the materials available on record shows that the petitioner has not filed any concrete material before this Court to



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establish that she belongs to Hindu Konda Reddy Scheduled Tribe Community. Earlier, the Division Bench of this Court has taken into consideration the order of the State Level Scrutiny Committee that the petitioner has obtained community certificate by cheating the constitutional mandate to defeat the noble aim of the Constitution in providing certain concessions to the Scheduled Tribe community people to uplift them in the Society. The State Level Scrutiny Committee also directed the District Collector, Thanjavur, to ensure that criminal case is booked against the petitioner for having furnished false information and obtained a community certificate from the Revenue Authorities and joined in the service under the respondent – Bank.

8. Further, it is seen that a Senior I.A.S., Officer, Secretary to Government, Adi Dravidar and Tribal Welfare Department, as Chairman, the I.P.S., Officer as Director of Tribal Welfare and the Anthropologist, Head of the Department of Anthropology, University of Madras, Chennai, as State Level Scrutiny Committee, conducted an enquiry, after providing reasonable opportunity to the petitioner and found that the petitioner does not belong to the Hindu Konda Reddy Scheduled Tribe Community. Therefore, it shows that



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an opportunity was granted to the petitioner to produce the relevant materials. The grounds raised by the petitioner has been considered by the earlier Division Bench of this Court.

9. The scope of review is limited as per the provisions of Order 47 Rule 1 CPC, where this Court can review the judgment or order only when there is error apparent on the face of the record. Only when an error is apparent or manifest by looking at the order, the Court can review a judgment. Even if an error is required to be detected by a process of reasoning, there is no scope of review to entertain a review application under Order 47 Rule 1 CPC. Even if it is erroneous, the decision can be challenged only before the Appellate Court. The Hon'ble Supreme Court in ***Perry Kansagra v. Smriti Madan Kansagra* [(2019) 20 SCC 753]**, has elaborately considered the scope of review and has summarised the propositions as reiterated by the Hon'ble Supreme Court and High Court in the following lines:

“15.The law on the subject—exercise of power of review, as propounded by the Apex Court and various other High Courts may be summarised as hereunder:

(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.



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(ii) Power of review may be exercised when some mistake or error apparent on the face of record is found. But error on the face of record must be such an error which must strike one on mere looking at the (2000) 6 SCC 224 Perry Kansagra vs. Smriti Madan Kansagra record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

(iii) Power of review may not be exercised on the ground that the decision was erroneous on merits.

(iv) Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.

(v) An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit."

10. In the case on hand, new grounds have been raised in the present review petition, which is impermissible under law. Review is not an appeal in disguise. The review applicant under the guise of this review application wants to re-agiate the matter once again and therefore, the present review petition cannot be entertained as the scope of review application is very limited. Unless the parties establishes that there an error apparent on the face of the record, this Court cannot interfere its own judgment. We are not inclined to accept the contention of the petitioner for the reason that the order passed by the State Level Scrutiny Committee has become final and the writ petition filed by the petitioner challenging the said order has been dismissed



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by the Division Bench of this Court with cost of Rs.1,00,000/- and the special leave petition was dismissed as withdrawn. Since the verification of the community certificate has been decided finally, in such circumstances, notice sent by the Deputy Superintendent of Police, requiring the petitioner to appear for enquiry would not give rise to any reconsideration of the community certificate of the petitioner. Therefore, we are not inclined to entertain the present review application.

11. In the result, the review application in Rev.Apl.W.(MD) No.23 of 2015 is dismissed. No costs. In view of the order passed in the review application, W.P.(MD) No.15445 of 2015 is also disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

28.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:
The State Level Scrutiny Committee,
Adi-Dravida & Tribal Welfare Department,
Namakkal Kavignar Maaligai,
Chennai-9.

COMMON ORDER
IN
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and
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and
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