



W.P.(MD) No.22546 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.22546 of 2024
and
W.M.P.(MD)No.19074 of 2024**

A.Piramanayagam

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Welfare Officer
Backward Class,
Tirunelveli.

3.The Sub Collector /Sub Divisional Executive Magistrate,
Cheranmahadevi,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned notice in Na.Ka.No.B.Pa.No.6/1984746/2024, dated 11.09.2024, on the file of the 2nd respondent.

For Petitioner
For Respondents

: Mr.G.Prabhu Rajadurai
: Mr.P.T.Thiraviyam
Government Advocate



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ORDER

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[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.P.T.Thiraviyam, learned Government Advocate takes notice for the respondents.

2.The challenge in the Writ Petition is to the notice issued by the District Backward Classes Welfare Officer, requiring the petitioner to appear for enquiry before the District Level Vigilance Committee on 20.09.2024.

3.The main ground of challenge is that an earlier enquiry was conducted by the Sub Collector, namely, third respondent and the third respondent had rendered a finding that the petitioner does not belonging to Isai Velalar, a most Backward Class Community. The petitioner has also filed an Appeal against the said order before the District Collector, Tirunelveli. The impugned notice has been issued even during the pendency of the Appeal before the District Collector.

4.The enquiry regarding the genuineness of the community certificate is governed by the dictum of the Hon'ble Supreme Court in **Kumari Mathuri Patel's** case as well as G.O.Ms.No.19, Backward Class, Most Backward Class, Minorities Welfare Department, dated 07.05.2007. The said G.O provides that an enquiry into the genuineness of the community



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certificate shall be conducted by the District Level Vigilance Committee in respect of person belonging to Most Backward Class Community. An elaborate procedure has also been prescribed recently by the Government in the Manual, which has been issued for the said purpose. The enquiry conducted by the Sub Collector and the consequent Appeal are without any authority. Now that the District Level Vigilance Committee has issued a notice, the petitioner is required to appear before the District Level Vigilance Committee and the District Level Vigilance Committee will decide issue afresh, without being influenced by any of the observations made in the order of the Sub Collector, which is under challenge before the District Collector. The order of the Sub Collector dated 10.01.2024, is quashed and consequently the Appeal before the District Collector will stand rejected. The District Level Vigilance Committee will decide the issue.

5.The Writ Petition stands disposed of with the above observation. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

14.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn



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To

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and
L.VICTORIA GOWRI, J.

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