



W.P.(MD)No.9581 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

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

**W.P.(MD) No.9581 of 2016
and
W.M.P.(MD)No.7620 of 2016**

S.V.Shreeram

... Petitioner

-VS-

- 1.The Government of Tamil Nadu,
Rep by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Secretariat,
Chennai - 600 009.
- 2.The Chairman,
State Level Scrutiny Committee,
(Secretary, Adi Dravidar and Tribal Welfare Department),
Namakkal Kavignar Maligai, Secretariat,
Chennai - 9.
- 3.The Secretary,
Tamil Nadu Public Service Commission,
Chennai.
- 4.The District Collector,
Tirunelveli District, Tirunelveli.



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5.The Personal Assistant to District Collector (Development),
Tirunelveli.

6.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.

7.The Deputy Superintendent of Police,
SC/ST Vigilance Committee,
Madurai Zone.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in proceedings No. 8276/CV-2/2009-13, dated 11.04.2016, quash the same and consequently, direct the respondents to regularise the service of the petitioner from the date his juniors were regularized with all monetary and service benefits.

For Petitioner : Mr.M.Ajmalkhan
Senior Counsel
Assisted by
Mr.H.Mohamed Imran
for M/s.Ajmal Associates

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

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

The challenge in this Writ Petition is to the order of the State Level Scrutiny Committee, dated 11.04.2016, concluding that the community certificate



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produced by the petitioner stating that he belongs to Hindu Kattunayakkan, a Scheduled Tribe community issued by the Headquarters Deputy Tahsildar, Tirunelveli District, on 12.08.1980, is not genuine and that the petitioner does not belong to the said community.

2. The issue relating to genuineness of the community certificate of the petitioner was taken up by the two members District Level Committee, which concluded that the petitioner does not belong to Kattunayakkan community. As against the said order, there was an appeal to the State Level Scrutiny Committee and by order dated 29.09.2005, while setting aside the order of the District Level Committee, the State Level Scrutiny Committee remitted the matter to the three members District Level Committee. Subsequently, the three members District Level Committee went into the issue and found that the certificate produced by the petitioner is true and genuine.

3. The petitioner, who was in the mean time, appointed as Junior Assistant in the Revenue Department on a temporary basis, was regularized in the said post. Since his name was not forwarded by the Tamil Nadu Public Service



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Commission, he had filed a Writ Petition in W.P.(MD)No.14727 of 2010, seeking a Mandamus, directing the Tamil Nadu Public Service Commission to sponsor his name for appointment as Junior Assistant in the regular scale of pay. The said Writ Petition came to be allowed by this Court on 18.04.2011. Thereafter, it appears that the Tamil Nadu Public Service Commission referred the certificate of the petitioner to the State Level Scrutiny Committee, which resulted in the passing of the impugned order.

4. The Hon'ble Supreme Court in **J.Chitra vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and others** reported in **2021 (9) SCC 811** [Civil Appeal No.5160 of 2010, dated 02.09.2021], had observed that repeated verifications of the certificates is impermissible. In doing so, the Hon'ble Supreme Court in Paragraphs 9, 9.1, 9.2, 9.3 and 10 of the said judgment observed as follows:-

"9. District Vigilance Committees for verification of community certificates issued to Scheduled Castes/Scheduled Tribes were reconstituted on 6-7-2005 pursuant to the judgment of this Court in Madhuri Patil [Madhuri Patil v. Commr., Tribal Development, (1994) 6 SCC 241 : 1994 SCC (L&S) 1349]. G.O. No. 108 dated 12-9-2007



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contains guidelines issued by the Government of Tamil Nadu for the functioning of the District and State Level Vigilance Committees. The guidelines issued by the Government in G.O. No. 108 of 12-9-2007 are as follows:

9.1. In cases which were remitted to the three-member District-Level Vigilance Committee by the State Level Scrutiny Committee as per the Court directions before 12-9-2007, the decision of the District Vigilance Committee reconstituted by G.O. No.111 dated 6-7-2005 regarding the genuineness of community certificate of Scheduled Tribes is final.

9.2. In case of community certificate issued by the Deputy Tahsildar/Tahsildar has been found to be not genuine by the three-member District Vigilance Committee and an individual has filed an appeal to the State Level Scrutiny Committee, the individual shall be directed to approach the High Court by filing a writ petition.

9.3. If appeals are filed against orders passed by the two-member District-Level Vigilance Committee to the State Level Scrutiny Committee and were not remitted back to the reconstituted three-member Scrutiny Committee by the Government, in view of pendency of writ petitions before the Court, the State Level Scrutiny Committee shall conduct an inquiry.



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10. In the instant case, an inquiry was conducted by the District-Level Vigilance Committee which has upheld the community certificate in favour of the appellant. The decision of the District-Level Vigilance Committee in the year 1999 has not been challenged in any forum. The recognition of the community certificate issued in favour of the appellant by the District Vigilance Committee having become final, the State Level Scrutiny Committee did not have jurisdiction to reopen the matter and remand for fresh consideration by the District-Level Vigilance Committee. The guidelines issued by G.O. No. 108 dated 12-9-2007 do not permit the State Level Scrutiny Committee to reopen cases which have become final. 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."

5. A Division Bench of this Court to which one of us [R.SUBRAMANIAN, J.] is a party, in **V.Sathyamurthi vs. The Union of India, Rep. by its Secretary to Government, Government of Union Territory of Puducherry, Local Administration and Public Works Department, Public Works Wing, Puducherry and others** [W.P.No.5737 of 2022, dated



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28.10.2022], had taken the same view following the above said judgment of the Hon'ble Supreme Court.

6. In view of the above pronouncements, the very verification conducted by the State Level Scrutiny Committee is not permissible.

7. The other ground on which the Writ Petition deserves to be allowed is that the petitioner was not appointed to the post under the reserved category. He has not availed of any benefits of reservation. He was appointed temporarily and was regularized in service pursuant to the policy decision taken by the Government at that point of time. Therefore, the very verification itself was wholly unnecessary, since the petitioner had not taken advantage of any reservation.

8. In view of the above, this Writ Petition stands allowed. The order of the State Level Scrutiny Committee is quashed. No costs. Consequently, connected Miscellaneous Petition is closed.

NCC : No
Index : No

[R.S.M., J.] [L.V.G., J.]
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