



W.P.No.1100 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.1100 of 2022
and W.M.P.Nos.1161 and 1163 of 2022

G.S.Nedunchezian
S/o.(Late) P.Gowrisundaram

... Appellant

Vs.

1.The Tamilnadu State Level Scrutiny Committee – III
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai 600 009
rep. by its Chairman

2.The Workshop Personnel Officer
Central Workshop
Ponmalai
Southern Railway
Tiruchirappalli 620 004

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the Tamil Nadu State Level Scrutiny Committee – III in proceedings No.996/CV-4(1)/2014-10 dated



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27.10.2021 on the file of the 1st respondent and quash the same and direct the 2nd respondent to extend all terminal benefits to the petitioner.

For Petitioner : Mr.S.Doraiswamy

For Respondents : Mr.UM.Ravichandran
Special Government Pleader - R1

Mr.P.T.Ram Kumar
Standing Counsel - R2

ORDER

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

The present Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the Tamil Nadu State Level Scrutiny Committee – III in proceedings No.996/CV-4(1)/2014-10 dated 27.10.2021 on the file of the 1st respondent and quash the same and direct the 2nd respondent to extend all terminal benefits to the petitioner.

2.The petitioner herein was issued with a Community Certificate, certifying that he belongs to **Kondareddis** (ST) community, which is classified as Scheduled Tribe Community. When the said certificate came up for scrutiny before the State Level Scrutiny Committee, it was concluded that the **Kondareddis** (Scheduled Tribe) Community



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Certificate held by the petitioner herein is not correct. Consequently, the State Level Scrutiny Committee cancelled the said Community Certificate through its order dated 27.10.2021. Challenging the said order, the present Writ Petition has been filed.

3.The main contention raised by the learned counsel for the petitioner is that the enquiry conducted by the State Level Scrutiny Committee on 12.10.2021, which was on the basis of the Anthropologist's report, is not proper, since, the Anthropologists themselves had conducted the enquiry over phone and arrived at a conclusion that the community certificate is not genuine. The Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil and another vs. Additional Commissioner, Tribal Development and Others*** [AIR 1995 Supreme Court 94(1)], has set forth the methodology for scrutinizing the community certificates of persons claiming to belong to Scheduled Tribes and had streamlined the procedure in paragraph No.12 of the judgment as per the said guidelines. The concerned Directorate is obligated to constitute a vigilance cell and the Inspector is mandated to go to the local place of residence and original place from which the candidate hails and should personally verify and collect all the facts of the social status claimed by the

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concerned candidate. The relevant portion of the order reads as follow:

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“12.

....

5.Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in overall charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He also should examine the school records, birth registration, if any. He should also examine the parent guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars, as envisaged in the proforma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial and dead bodies etc. by the concerned castes or tribes or tribal communities etc.

4.In the instant case, the Committee has come to the subjective satisfaction that the community certificate of the petitioner is not genuine,



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predominantly on the Anthropologist's report dated 28.09.2020. The relevant portion of the order on the mode of enquiry reads as follow:

“Methodology

The basic methodology followed was field visit but due to Covid – 19 and his age factor, the respondent has given a request letter to attend enquiry in online or over the phone. The District Vigilance Cell also accepted his request and conducted over phone. Using the scientific tool the data were collected systematically and analysis were drawn. The data were more of qualitative nature and ethnologic approach was used.

5. When ***Kumari Madhuri Patil*** mandates the Inspector to personally verify and collect all the facts of the social status of the concerned person, we fail to understand as to how the Anthropologist could conduct such an enquiry over phone.

6. The scientific description of different races and cultures, in other words, the ethnography, as always been the predominant method for ascertaining the ways of life of human beings. The Anthropologist while conducting an enquiry to ascertain the ethnography of any human being is required to enquire into the following characteristics, which is reflected in

the order of the Anthropologist dated 28.09.2020, as follows:

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- *Nomadic / Semi-nomadic people*
- *Close contact with forest*
- *Kinship-Clan organization*
- *Own dialect*
- *Simple belief system*
- *Indigenous knowledge system*
- *Traditional political system*
- *Rigidity towards change*
- *Folk songs*
- *Lifecycle ceremonies of their own*
- *Community endogamous and clan exogamy*
- *Relative Isolation*

7. On a plain reading of the aforesaid characteristics, a personal enquiry would be the appropriate method to determine the ethnography of a person. On the other hand, such determination, without personal enquiry and that too over phone, may not set forth the actual characteristics of a person to determine his ethnography. This apart, such an enquiry over the phone is also against the mandate set forth in ***Kumari Madhuri Patil.***

8. When the very foundation of the satisfaction arrived at by the Committee is flawed, viz. the Anthropologist's report not being conducted in a manner known to law, is also flawed, therefore, the consequential satisfaction arrived and holding that the community status of the petitioner is not genuine, cannot be legally sustained.



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9.At this juncture, learned counsel for the petitioner would submit that the petitioner had reached the age of superannuation in the year 2018 itself, and he is yet to receive the retirement and pensionary benefits.

10.In a batch of Writ Petitions, a coordinate bench of this Court in the case of ***M.Rangan Vs. the Chairman, State Level Scrutiny Committee-II, Adi Dravidar and Tribal Welfare Department, Chennai, in batch of Writ Petitions in W.P.Nos.10006 of 2021, etc. batch***, while setting aside the orders of the SLSC, had also made observations that since the order of the Committee holding the community certificate as not genuine was set aside not on its merits, but on procedural irregularities, had thought it fit to hold that the community certificate of the petitioner therein should not form the basis for issuance of certificates to his children / grand children or other blood relatives to claim their respective communal status. We are of the view that the same analogy can be adopted in the instant case also, since, this Writ Petition is also being allowed on the basis of the procedural irregularities.

11.In the result, the impugned order dated 27.10.2021 passed in Proceedings No.996/CV-4(1)/2014-10 dated 27.10.2021, on the file of the

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1st respondent is set aside. However, it is made clear that the community certificate issued to the petitioner herein, shall not form the basis for the children / grand children or other blood relatives, to claim their communal status and that they will have to establish their communal status *dehors* the certificate issued to the petitioner herein.

12. With the above directions, this Writ Petition stands allowed. Consequently, there shall be a direction to the 2nd respondent herein to forthwith pass appropriate orders, notionally retiring the petitioner herein on the date on which he attained his age of superannuation and thereby disburse all his retirement and pensionary benefits, within a period of one (1) month from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

[M.S.R, J.] [R.S.V, J.]
10.12.2025

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Index: Yes / No
Neutral Citation: Yes / No
Speaking / Non Speaking Order



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To.

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The Tamilnadu State Level Scrutiny Committee – III
Adi Dravidar and Tribal Welfare Department
Namakkal Kavingar Maligai
Secretariat
Chennai 600 009

2.The Workshop Personnel Officer
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