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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

**THE HONOURABLE MR JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P. No. 10354 of 2021

1. T.G.Mani Reddy
S/o.Late. T.Govindaraj, No.4, Sri Ram
Avenue Ramani Nagar, 3rd Street
Extension, Tambaram West,
Chennai 600 045.

Petitioner(s)

Vs

1. The Tamil Nadu State level
Scrutiny committee -II, Adidraavidar and
Tribal Welfare Department,
Namakkal Kavingar Malaigai,
Secretariat, Chennai 600009.
Rep. by its Chairman,

2.The Senior Superintendent RMS,
Department of Posts, Chennai Airmail
Sorting Division, Chennai 600 016.

3.Parliamentary Committee on the
Welfare of Scheduled casts and
Scheduled Tribes, Lok Sabha
secretariat, Room No.010 (G./F),



Parliament House Annexe, New Delhi
110001, Rep. by its Joint Secretary.

(R3 - deleted vide order dated
26.04.2021 made in W.P.10354 of 2021
by NKKJ and TVTSJ)

4.The Revenue Divisional Officer,
Tiruttani.

5.The Tahsildar,
Tiruttani. (R4, R5 Suo-motu impleaded
vide order dated 26.04.2021 made in
W.P.10354 of 2021 by NKKJ and
TVTSJ)

...Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari to call for the records relating to the order passed by the Tamil Nadu State Level Scrutiny Committee - II in proceedings No.13736/CV - 4(1)/2017- 8 dated 05.01.2021 on the file of the 1st respondent and to quash the same.

For Petitioner(s): Mr. S.Doraisamy

For Respondent(s): Mr.G.Ameedius
Government Advocate
for R1, R4 and R5

Mr.V.T.Balaji
Standing Counsel for R2



ORDER

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

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The present Writ Petition has been filed for the issuance of a Writ of Certiorari to call for the records relating to the order passed by the Tamil Nadu State Level Scrutiny Committee - II in proceedings No.13736/CV - 4(1)/2017- 8 dated 05.01.2021 on the file of the 1st respondent and to quash the same.

2. The petitioner herein was issued a Community Certificate, certifying that he belongs to ***Kondareddis*** 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 Certificate held by the petitioner herein is not correct. Consequently, the State Level Scrutiny Committee cancelled the said Community Certificate through its order dated 05.01.2021. 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 was conducted by the State Level Scrutiny Committee on



23.11.2020 and 21.12.2020, during which period, there were Covid restrictions and the petitioner, being a Senior Citizen, could not attend the proceedings.

4. The learned Government Advocate on the other hand would submit that the State Level Scrutiny Committee had come to a conclusion that the petitioner's community certificate was invalid based on the Anthropologist's report and several other evidences and therefore, no interference is required to the order of the Committee.

5. The Co-ordinate Bench of this Court, in a similar circumstance, 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***, when an enquiry was conducted by the State Level Scrutiny committee during the Covid restrictions period, had interfered with the order passed therein and set aside the same. Though the order was set aside, it was held therein that the restoration of the petitioner's community certificate, will not entitle his legal heirs to claim similar

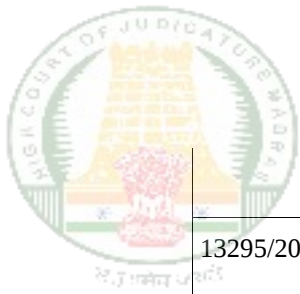


certificates, but, rather they are required to establish their communal status on their own before the authority concerned. The said order reads as follows:-

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“All these cases relate to cancellation of community certificates by the State Level Scrutiny Committee, where the petitioners were called for enquiry during the period when the Covid restrictions were in force. The following tabulation would demonstrate the facts that are necessary for disposal of these writ petitions:-

WP.No.	Name of the petitioner	Issuance of certificate	Date of Appointment	Date of Superannuation	Date of SLSC Enquiry	Date of the order of SLSC
10006/2021	Rangan	1976	1977	30.06.2016 (Sanctioned full pension and all benefits)	December 2020	02.02.2021
10009/2021	Krishnan	1976	1977	31.08.2014 (Sanctioned full pension and all benefits)	16.12.2020	02.02.2021
10013/2021	Thandugan	1974	1975	30.04.2015 (getting only provisional pension)	07.12.2020	04.01.2021
10017/2021	P.E.Shanmugam	1980	1980	31.03.2017 (getting only provisional pension)	16.11.2020 16.12.2020	25.01.2021
10023/2021	Sarojini	1976	1978	31.05.2015 (getting only provisional pension)	26.11.2020 06.12.2020	05.02.2021
10975/2021	N. Lakshmikanthan	1972	1981	31.10.2013	11.08.1988 10.08.2005	11.01.2021
13291/2021	Jayanthi Rajan	1982	1982	31.05.2019 (getting only provisional	26.11.2020 06.12.2020	13.01.2021



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				pension)		
13295/2021	P.V.Ponnusamy	1976	1977	30.04.2013 (sanctioned full pension and all benefits)	16.12.2020	19.01.2021
13300/2021	M.Vedanayaki	1978	1979	30.04.2012 (sanctioned full pension and all benefits)	25.11.2020 16.12.2020	08.02.2021
13302/2021	R.Rajasulochana	1979	1984	31.05.2019 (sanctioned full pension and all benefits)	16.12.2020	02.02.2021
13594/2021	V.Kamala	1980	1980	04.01.2020 (VRS) (sanctioned full pension and all benefits)	16.12.2020	02.02.2021
19126/2021	P.Nirmala	1982	1982	30.06.2020 (provisional pension paid but, stopped after SLSC order)	July 2021	05.08.2021
19128/2021	S.Mathivanan	1982	1982	31.03.2017 (getting only provisional pension)	19.07.2021 12.08.2021	13.08.2021
22355/2021	C.Jeyaprakasam	1976	1977	31.01.2014	27.01.2021	05.08.2021
26784/2021	R.Subbian	1976	1976	31.10.2014 (sanctioned full pension and all benefits)	25.11.2020 16.12.2020	17.02.2021

2. From the Tabulation, it could be seen that all the petitioners in the above writ petitions have attained superannuation between 2012 and 2020 before the cancellation of certificates issued to them. Though the



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petitioners urged several contentions, we find that it may not be necessary for us to go into all those contentions, since we find that the petitioners were denied a fair opportunity in the conduct of enquiry. Admittedly, all the petitioners were called for enquiry during November, December 2020, January 2021 and July 2021. Admittedly, during these periods either lock down or restrictions on movement were in place. All the petitioners had superannuated by that time and they were admittedly Senior Citizens. General advisories were issued by the Government of India advising Senior citizens not to venture out. After all these enquiries have been pending for years and we are unable to see any justification for the hurried manner in which, the enquiries have been conducted during November, December, 2020 and the orders were passed during January and February, 2021. Even in ***Kumari Madhuri Patil Vs. Addl. Commissioner, Tribal Development and others***, reported in (1994) 6 SCC 241, the Hon'ble Supreme Court has clearly laid down that the petitioners should be given a fair opportunity to make their representations before the State Level Scrutiny Committee.

3. We find that the absence of opportunity really vitiates all the reports of the State Level Scrutiny Committee.

4. On similar set of facts, in ***L.Balasubramanian Vs. The State Level Scrutiny Committee and others*** [WP.No.6122 of 2021 dated 08.01.2025] this Court held as follows:-

“8. As we have adverted to, the notice was issued on 16.11.2020 requiring the petitioner to appear before the Committee on 14.12.2020. Admittedly the COVID restrictions were in place during the months of November and December 2020. There was a lock-down announced till 31.12.2020 under G.O.(Ms) No.541, Revenue and Disaster Management (D.M.IV) Department, dated 30.09.2020 and large scale restrictions were there and persons above 60 years of age and persons with co-morbidities were advised to stay at home. It is in this situation the Committee had gone ahead with the enquiry



rejecting the request for adjournment made by the petitioner.

9. We therefore find that the petitioner was denied a fair opportunity by the State Level Scrutiny Committee. There was no such tearing urgency for the Committee to go ahead with the determination as the employee had retired by then and the Railways had not paid him the retiral benefits. We must point out that this court in the year 2000 directed an enquiry by the State Level Scrutiny Committee and the committee swung in to action only in the year 2016 after 16 years. It is the fundamental principles of law that a person whose certificate is sought to be cancelled should be given a fair opportunity by the Committee, which takes up the enquiry. Absence of reasonable opportunity itself is a good ground to set aside the proceedings of the Committee.

10. We therefore conclude that the action of the Committee in proceeding with the enquiry when COVID restrictions were in place, that too, without hearing the petitioner has considerably prejudiced the cause of the petitioner and therefore the order of the State Level Scrutiny Committee is liable to be set aside. Accordingly, the order of the State Level Scrutiny Committee dated 02.02.2021 impugned in the Writ Petition will stand set aside.

11. Normally we should direct the State Level Scrutiny Committee to take up the matter again and re-determine the issue after hearing the petitioner. But, we find that no useful purpose will be served by directing such re-enquiry. Admittedly, the petitioner has retired on 31.07.2016 itself. Therefore, the determination of the genuineness of his community would only be academic. As already pointed out though a Division Bench of this Court as early as on 22.11.2000 directed re-enquiry by the State Level Scrutiny Committee, the Committee did not take up the issue till 2016. The District Level



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Vigilance Cell submitted its report on 24.11.2016 i.e., after the retirement of the petitioner. We therefore do not think it would be proper for us to direct an inquiry in to the issue at this distant point of time.”

5. We therefore do not propose to remit the matters to the State Level Scrutiny Committee. Hence, we have no other option to set aside all the orders in the impugned writ petitions. We however make it clear that the certificates which have been issued to the petitioners will not form the basis for any further certificates in favour of the petitioners' children or grand-children. If the children or grand-children or any other blood relatives of the petitioners want to apply for a certificate to the effect that they belong to Scheduled Tribe Community, they will have to establish the fact that they belong to a Scheduled Tribe Community *de hors* the certificate issued to the petitioners.

6. In WP.Nos.10013, 10017, 10023, 13291, 19126 and 22355 of 2021, there will be a direction to the respective employers to pay full pension and disburse the retiral benefits to the respective petitioners, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. All the petitioners will surrender their original certificates to the concerned District Collector's Office, within a period of eight weeks from the date of receipt of a copy of this order. The learned Additional Government Pleader will also instruct the concerned District Collectors to ensure surrender. No costs. Consequently, connected WMPs are also closed.”

6. The aforesaid decision in the batch of Writ Petitions clearly applies to the facts and circumstances of the case on hand. Admittedly, the enquiry conducted preceding the impugned order dated 05.01.2021 was on 23.11.2020



and 21.12.2020, during which period there were Covid restrictions. While that being so, the State Level Scrutiny Committee was totally partial and unjustified in recording the absence of the petitioner, who was a senior citizen and passing an *ex-parte* order. As such, the conclusion arrived at by the State Level Scrutiny Committee may warrant interference in the light of the decision in ***M.Rangan's*** case cited supra.

7. Accordingly, the impugned order dated 05.01.2021 in Proceedings No.13736/CV-4(1)/2017-8, dated 05.01.2021 on the file of the 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.



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8. With the above directions, this Writ Petition stands allowed. There shall be no order as to costs.

(M.S.RAMESH J.) (R.SAKTHIVEL J.)
03-11-2025

ASI

Index :Yes
Speaking Order
Internet :Yes
Neutral Citation :Yes

To

1. The Chairman,
The Tamil Nadu State Level Scrutiny Committee -II,
Adidraavidar and Tribal Welfare
Department, Namakkal Kavingar
Malaigai, Secretariat,
Chennai 600009.

2.The Senior Superintendent RMS,
Department of Posts, Chennai Airmail
Sorting Division, Chennai 600 016.

3.The Revenue Divisional Officer,
Tiruttani.

4.The Tahsildar,
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