



WEB COPY



W.P.No.10475 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.10475 of 2022
and
W.M.P.No.10167 of 2022

S. Kanagaraj

... Petitioner

Vs.

1.The Tamil Nadu State Level Scrutiny Committee - III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai - 600 009.

2.Mohan Ram

3.UCO Bank,
Rep. by its Zonal Manager,
2nd Floor,
328, Thambu Chetty Street,
Chennai - 600 001.

... Respondents

PRAYER: Writ Petition Filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records made in Proceedings No.10994/CV-6/2017-13 dated 26.10.2021 on the file of the 1st respondent and quash the same.



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For Petitioner

: Mr. L.Chandrakumar

For Respondents

: Mr. P.Kumaravel,

Additional Advocate General

assisted by Mr.Vadivelu Deenadayalan,

Additional Government Pleader for R1

Ms.Aishwarya S.Nathan for R3

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The community certificate issued to the petitioner was found to be not genuine by the State Level Scrutiny Committee vide its order dated 26.10.2021.

2. On facts we do not think that we need to go into the issue relating to the genuineness of the community certificate. Of course, the petitioner secured a job in the 3rd respondent Bank on the strength of the community certificate to the effect that he belongs to Hindu - Kondareddis, a Scheduled Tribe Community. However, on 12.09.1990 Ministry of Finance addressed a letter to all the Public Sector Banks which reads as follows:-

Some Public Sector Banks have received requests from some of their employees belonging to SC/ST communities voluntarily giving up the benefits available to them as members of the SC/ST. The matter has been examined in

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consultation with the Department of Personnel & Training which has advised that in such cases the following procedure may be followed:-

"The SC/ ST candidates who are not willing to avail themselves of the benefits of SCs and STs in services, may be asked to furnish a Sworn Affidavit that he/ she is voluntarily quitting the benefits available to him/ her as an SC or ST candidate, as the case may be, and he/ she will not claim such benefits in future also. After obtaining the above affidavit, he/ she may be treated as a General category candidate thereafter."

I am directed to convey the above decision of the Government to you for compliance.

The receipt of this letter may please be acknowledged.

3. Pursuant to the said letter, the petitioner was also offered to tender an affidavit on the lines stated above. The petitioner had tendered an affidavit and the same was accepted by the Bank on 20th April 1992. Therefore, verification of the certificate thereafter, according to the learned counsel for the petitioner, is redundant.

4. We had in W.P.No.9936 of 2022 vide order dated 17.12.2024 considered a similar situation and held that once such an offer is made to an employee and the employee accepts it, the Bank cannot thereafter go back on it



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and seek verification of the community certificate of the petitioner.

5. Hence, we find that the Bank is bound by the acceptance of the offer made to the petitioner and it cannot seek verification of the community certificate. The Bank will disburse the retiral benefits, if any, payable within a period of twelve (12) weeks from the date of receipt of a copy of the order. It is however made clear that the children of the petitioner or his blood relatives will not be entitled to community certificate to the effect that they belong to Scheduled Tribe community based on the certificate issued to the petitioner, since the petitioner himself has given up his claim that he belongs to the Scheduled Tribe community.

6. The writ petition is **disposed of** with the above observations. No costs. Consequently, the connected miscellaneous petition is closed. The petitioner will surrender his original community certificate to the concerned District Collector Office within a period of eight (8) weeks from the date of receipt of a copy of this order. The learned Additional Government Pleader will also instruct the concerned District Collector to ensure surrender.

(R.S.M.,J.) (C.K.,J.)
30.01.2025

dsa

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Speaking order

To

1.The Tamil Nadu State Level Scrutiny Committee - III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai - 600 009.

2.The Zonal Manager,
UCO Bank,
2nd Floor,
328, Thambu Chetty Street,
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R.SUBRAMANIAN, J.
and
C.KUMARAPPAN, J.

dsa

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30.01.2025