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W.A.No.953 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE P.DHANABAL**

W.A.No.953 of 2023

S.Tharun Santosh

... Appellant

-Vs-

1. The Chief General Manager (HR),
Indian Oil Corporation Limited,
(Marketing Division), Southern Region,
Indian Oil Bhavan,
No.139, Uhtamar Gandhi Salai,
Chennai - 600 034.

2. The Revenue Divisional Officer,
Thiruttani Taluk,
Tiruvallur District.

... Respondents

PRAYER : Appeal under Clause XV of Letters Patent against the order dated 20.12.2021 made in W.P.No.19207 of 2021.

For Appellant : Mr.N.Naganathan

For Respondents : Mr.Anand Gopalan
for M/s.Agam Legal Advocates for R1
Mr.V.Ravi
Special Government Pleader for R2

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J U D G M E N T

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(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 20.12.2021 made in W.P.No.19207 of 2021.

2. That the appellant, who was the writ petitioner, had been one of the candidates for selection for appointment to the post of Grade-A Officer at the first respondent Organization, namely, Indian Oil Corporation, (in short 'IOC'). This was happened sometime in the year 2021. Though he has been provisionally selected, it was not further moved towards giving him appointment for the reason that, since he claimed to be the Scheduled Tribe candidate and in support of which, since he had filed the Community Certificate issued in this regard by the Revenue Divisional Officer concerned, the first respondent wanted a Form of Caste Certificate prescribed by the Central Government for all undertakings like IOC to be secured and produced before the employer as per Annexure-5 in the format and such a Certificate since has not been given, it was not further moved on the part of the first respondent to give appointment to the appellant / petitioner.



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3. Only at that juncture, the appellant / writ petitioner had approached the writ Court by filing the said writ petition seeking for a prayer of writ of mandamus to accept the Community Certificate issued by the Revenue Divisional Officer, who is a Competent Authority, dated 04.08.2017 and accordingly, issue the appointment order with other consequential benefits.

4. While deciding the said writ petition, the writ Court in the order which is impugned herein, dated 20.12.2021, had given a direction to the second respondent / Revenue Divisional Officer to issue a Community Certificate or the Certificate relating to his community in the prescribed format in Annexure-5 as provided by the first respondent.

5. Aggrieved over the said direction given by the writ Court, the present intra-Court appeal has been directed at the instance of the appellant / petitioner, who is the job seeker.

6. Heard Mr.N.Naganathan, learned counsel appearing for the appellant and Mr.Anand Gopalan, learned Standing Counsel appearing for the first



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respondent and Mr.V.Ravi, learned Special Government Pleader appearing for the second respondent.

7. It is brought to our notice by the learned counsel appearing for the appellant that, though the Community Certificate that was given by the second respondent / Revenue Divisional Officer, dated 04.08.2017 had been forwarded to the District Collector along with the similar Certificate in that locality at Tiruvallur District for cancellation and based on the said recommendation made by the Revenue Divisional Officer, the District Collector, without following the procedure as contemplated, pursuant to the judgment reported in ***Kumari Madhuri Patil Vs. Additional Commissioner (1994 (6) SCC 241)*** of the Hon'ble Supreme Court, has unilaterally cancelled the Community Certificate by order dated 10.10.2024, therefore, it triggered the appellant / petitioner to file a writ petition in W.P.No.34795 of 2024, that was heard and decided along with similar writ petitions by a Division Bench of this Court on 22.11.2024, where, the Division Bench having taken note of the law having been settled in this regard, of course, pursuant to ***Kumari Madhuri Patil's case*** cited *supra* as well as another case in the matter of ***V.P.Umapathy and others Vs. The District Collector, Tiruvallur District and another***, had allowed the said writ petitions, thereby, the cancellation of Community Certificate order issued by the District Collector, Tiruvallur dated 10.10.2024 has been set aside by giving liberty to the



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Government to take appropriate action as per law.

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8. By virtue of this position, the learned counsel appearing for the appellant would contend that, since the Community Certificate issued dated 04.08.2017 stood restored, unless it is cancelled by the Competent Authority in the manner known to law, it shall be presumed that, the Community Certificate is valid, therefore, based on which, the first respondent can consider the candidature of the appellant / petitioner for giving appointment, for which in the year 2021 itself in the campus interview, he was provisionally selected.

9. However, Mr.Anand Gopalan, learned counsel appearing for the first respondent would submit that, the selection that was made in the year 2021 is based on the campus interview, where the appellant / petitioner was one of the candidates and was considered and provisionally selected. Thereafter, for want of production of Community Certificate in the prescribed format, he was not considered for appointment and thereafter, now four years have gone, therefore, at this juncture, whether the same situation, i.e., Group-A Officer is still available or not, has to be first ascertained. Assuming that, if it is available, even then the Community Certificate in a prescribed format as prescribed by the Government of Tamil Nadu which is adopted by IOC still has to be obtained by the appellant /



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petitioner and be produced before IOC, then only, his candidature can be considered even if the situation is still available.

10. On the other hand, Mr.V.Ravi, learned Special Government Pleader appearing for the second respondent would submit that, even though the cancellation order passed by the District Collector having been considered was set aside by the Division Bench, that would not give rights to claim by the appellant / petitioner that insofar as his Community Certificate is concerned, a clean chit has been given by the Court of law. In fact, a liberty was given to the Government to go ahead with the verification of the veracity of such Community Certificate by scrutinizing the same by the State Level Scrutiny Committee and thereafter on merits, a decision could be taken in the manner known law. Therefore, if such an action is pending against the appellant / petitioner, at this juncture, whether it may be justifiable on the part of the appellant / petitioner to seek for yet another Community Certificate of course in the prescribed format made by IOC for the purpose of employment opportunity before IOC is the question, he contended.

11. We have considered all these rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before



this Court.

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12. As has been rightly pointed out by the learned counsel appearing for the appellant / petitioner, insofar as issuance of Community Certificate, especially for ST Community is concerned, the Supreme Court in ***Kumari Madhuri Patil's case*** has given a detail mandatory guidelines under which that kind of issuance of Community Certificate is to be made only by the Revenue Divisional Officer. Even if a Community Certificate is issued, if any doubt arises over the genuinity of the Community Certificate and the claim made by the beneficiary of such Community Certificate, that can be referred to the District Level Scrutiny Committee or the State Level Scrutiny Committee and ultimately, the State Level Scrutiny Committee constituted in this regard will have a say after thoroughly enquiring the matter that, whether a particular Community Certificate is a genuine or not. In this regard, after enquiry if the State Level Scrutiny Committee comes to a conclusion that, the Community Certificate is an in-genuine or fraudulent one, then, it is open to them to cancel the same. Once it is cancelled, it could be stated that, a conclusion has been reached insofar as the Community Certificate is concerned, unless and until a judicial intervention subsequently is made. Instead, after scrutiny and enquiry, if the State Level Scrutiny Committee comes to the conclusion that, the Community Certificate is genuine, such a



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confirmation can also be given by the State Level Scrutiny Committee.

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13. Be that as it may, that process is either yet to be commenced or yet to be completed even pursuant to the Division Bench judgment dated 22.11.2024 as stated supra, however, as of now, the Community Certificate issued by the Competent Authority dated 04.08.2017 is still in force, unless and until, it is cancelled by the Competent Authority, i.e., State Level Scrutiny Committee in the manner known to law as we have discussed hereinabove, the law shall presume that, the Community Certificate of the appellant / petitioner is genuine and therefore, based on which or on the strength of the said Community Certificate in a prescribed format, any of the authorities as has been stated in Annexure-5 supplied by IOC like District Magistrate, Additional District Magistrate, Collector, Deputy Commissioner, Chief Presidency Magistrate, Revenue Tahsildar, Sub-Divisional Officer etc., any one of such authority can give such a certification by way of format of caste certificate in Annexure-5 for the purpose of getting employment at IOC. Therefore, we do feel that, insofar as the present situation is concerned, in order to resolve the issue as has been raised in this intra-appeal, we are inclined to dispose of this appeal with the following orders:

(i) that there shall be a direction to the Revenue



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Divisional Officer, i.e., second respondent either by himself or the concerned Tahsildar to give a certification in the format in Annexure-5 as provided by the first respondent / IOC only for the limited purpose of employment opportunity of the appellant / petitioner before the first respondent / IOC, within a period of one month from the date of receipt of a copy of this judgment.

(ii) Simultaneously, we give further direction to the first respondent / IOC to explore the possibility of verifying whether any situation for the post of Grade-A Officer is available with IOC, in which since the appellant / petitioner has already been selected of course provisionally by virtue of campus interview that has been taken place in the year 2021, provisional appointment purely on temporary basis subject to the production of the format Community Certificate to be secured by the appellant / petitioner, can be issued. Such a compliance shall be made by the first respondent / IOC within a period of one month from the date of receipt of copy of Community Certificate in the format as directed above.

(iii) It is further made clear that, merely because of these directions are given in disposing this writ appeal, the Court has not expressed any conclusive view on the status of the community of the appellant / petitioner, as the same is subject to the scrutiny to be undertaken by the State Level Scrutiny Community in the manner known to law as directed by the Division Bench, by its order dated 22.11.2024 in



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W.P.No.34795 of 2024 etc., batch. Once such

a process is completed by the State Level Scrutiny Committee depending upon the merits of the enquiry to be conducted in this regard, it is open to the State Level Scrutiny Committee to take a decision independently on merits and if any such decision is taken, that will bind both the appellant / petitioner and other parties, in that case, if any adverse orders are passed by the State Level Scrutiny Committee cancelling the Community Certificate, that can also have an impact over the employment of the appellant / petitioner even if he gets an employment from the first respondent / IOC on temporary basis pursuant to our directions herein.

14. With all these directions, this Writ Appeal is ordered accordingly.

However, there shall be no order as to costs.

(R.S.K., J.)

(P.D.B., J.)

08.08.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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**R.SURESH KUMAR, J.
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