



W.P.No.15916 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.07.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

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1. JAYAKUMAR
S/o.Madaiyan Panchayat Secretary,
(removed From Service), Mottalur
Panchayat, Now Anumandapuram
Panchayat, Karimangalam Panchayat
Union And Taluk, Dharmapuri
District.

Petitioner(s)

Versus

1. The Chairman
District Level Vigilance Committee
Dharmapuri- 636 705 Dharmapuri
District.

2.The District Collector
Dharmapuri District, Dharmapuri .

3.The Revenue Divisional Officer
Office Of Revenue Divisional
Office, Dharmapuri.

4.The Tahsildar
Karimangalam Taluk, Karimangalam,
Dharmapuri District.



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5. The Block Development Officer
Karimangalam Panchayat Union,
Karimangalam Taluk,
Dharmapuri District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Revenue Divisional Officer in Na.Ka. 4000/ 2018/A4 dated 3.4.2023 and quash the same and direct the 1st respondent to enquire genuineness of the petitioners community certificate by following the procedure contemplated under the Government order.

For Petitioner(s): Mr.M.Muthappan

For Respondent(s): Mr. R. Kumaravel AGP

ORDER

(By J.Nisha Banu,J.)

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Revenue Divisional Officer in Na.Ka. 4000/ 2018/A4 dated 3.4.2023 and quash the same and direct the 1st respondent to enquire genuineness of the petitioners community certificate by following the procedure contemplated under the Government order.



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2. According to the petitioner, he belongs to Valluvan community and

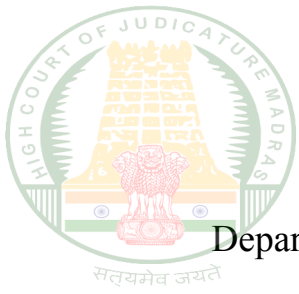
he got appointment as Panchayat Secretary by proceedings of the 5th respondent on 06.03.2019 and while he was working as Panchayat Secretary of Mottalur village Panchayat, he came to be dismissed from service vide proceedings of the President, Mottalur Panchat, dated 02.06.2023 based on the report submitted by Revenue Divisional Officer, that the petitioner had submitted a false community certificate. Since the said order was passed without following due process of law, this Court vide order dated 19.10.2023 in W.P.No.17850 of 2023, quashed the said order of dismissal with a liberty to follow the procedure contemplated for imposing major penalty and pass final order. Thereafter, it appears that the petitioner was initiated with disciplinary proceedings by framing charges and based on the report of the Enquiry Officer who held that the charges were proved, the 3rd respondent, vide proceedings dated 14.03.2025, imposed the punishment of removal from service on the petitioner. Challenging the same, the petitioner filed a writ petition in W.P.N.11462 of 2025 and it is still pending. However, in the present writ petition, the grievance of the petitioner is that the removal from service was on the basis of the cancellation of the



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community certificate made by the Revenue Divisional Officer, who is not competent authority and has no jurisdiction to verify the genuineness of the community certificate and to cancel the same. Therefore, challenging the proceedings of the Revenue Divisional Officer, dated 03.04.2023, the petitioner has come forward with the present Writ Petition.

3. Mr.M.Muthappan, learned counsel for the petitioner would submit that the petitioner belongs to Valluvan caste which falls under the Scheduled Case Community and he has all relevant documents to prove that he belongs to the scheduled caste community, however, on a complaint lodged by one Mr.Kumaravel, the Revenue Divisional Officer conducted an enquiry and later, based on his report, the petitioner came to be dismissed from service. He would submit that the Revenue Divisional Officer has no authority to verify the genuineness of the community certificate and only the District Level Vigilance Committee which consists of the District Collector as a Chairman, the District Adi Dravida Tribal Welfare Officer as a Member Secretary and Anthropologist as a Member, is empowered to verify the same as per G.O.Ms.No.(2D) 108/Adi Dravida Tribal Welfare (CV-a)



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Department dated 12.09.2007 which was issued in compliance with the

guidelines laid down by the Hon'ble Supreme Court in “***Kumari Madhuri Patil versus Additional Tribal Commissioner***” reported in AIR 1995 SC 94.

Therefore, the learned counsel would submit that without following the due procedure contemplated as regards verification of genuineness of the caste community certificate, cancellation of the certificate by the Revenue Divisional Officer, who is not competent authority, cannot be sustained.

4. The learned Additional Government Pleader while referring to the averments made in the counter affidavit filed on behalf of the 3rd respondent, would submit that he has conducted the enquiry by issuing notice to the petitioner and he also participated, wherein, it was found that the petitioner belongs to Thottikollar caste and his SC certificate was obtained through misrepresentation and in collusion with the revenue officials who were no longer in service and on completion of factual verification, the 3rd respondent submitted the report and hence, no interference is required.

5. Heard the learned counsel for the petitioner and the learned Addl.Government for the respondents and perused the entire materials



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placed on record.

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6. The decision rendered by the Supreme Court in the case of **Kumari Madhuri Patil vs. Additional Commissioner**, reported in **1995 AIR 94** weighs much importance in the case on hand, had elaborately dealt with the issue of community certificate and observed that as per Article 15(4) of the Constitution of India, it is for the State to make special provisions for advancement of Scheduled Castes and Scheduled Tribes. Further, it was observed that in the light of Article 16(1), equality of opportunity to all citizens in matters of appointments to an office or a post under the Union or a State Government or public undertakings etc., should be ensured. For that purpose, Article 16(4) empowers the State to make provisions for reservation of appointments or posts in favour of classes of citizens not adequately represented in the services under the State. The Hon'ble Supreme Court, in the said judgment while issuing certain guidelines, insisted that the community certificate in respect of SC/ST should be scrutinised at the earliest. For the sake of convenience, relevant paragraphs of the judgment are reproduced below:



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“It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (1) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (11) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the



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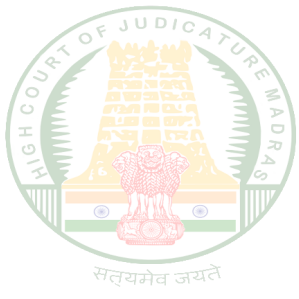
social status certificates.

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In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all 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 should also 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 pro forma, 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 of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and



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in no case on request not more than 30 days from the date of the receipt of the notice.”

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7. The Hon'ble Supreme Court in ***General Manager, Indian Bank Vs. R.Rani and another*** reported in ***2008 (1) MLJ 125*** has categorically held that where the community certificate is cancelled by an incompetent Authority or a Committee not constituted as prescribed in ***Kumari Madhuri Patil***'s case, such cancellation of community certificate is not valid in the eye of law. The Hon'ble Supreme Court took into consideration the fact that the guidelines given in ***Kumari Madhuri Patil*** case was reiterated in several judgments and it has become a binding precedent.

8. The Government of Tamil Nadu through G.O.Ms.No.38, dated 12.05.2017 has followed the judgment of the Hon'ble Supreme Court and in compliance of the same, amended the earlier G.O.Ms.No.106 dated 15.10.2012 and insofar as the scheduled caste community is concerned, the jurisdiction to conduct an enquiry and cancel the certificate is now been vested with the District level Vigilance Committee.



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9. In view of the above discussion, the impugned proceedings in Na.Ka.4000/2018/A4 dated 3.4.2023 of the 3rd respondent are hereby set aside. As regards the verification of the genuineness of the Caste Certificate of the petitioner is concerned, the 3rd respondent is directed to refer the matter before the first respondent. On receipt of the same, the first respondent is directed to consider the same and pass appropriate orders after due verification by following procedure and after giving a reasonable opportunity of personal hearing to the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

10. With the above direction, this Writ Petition is disposed of. No costs.

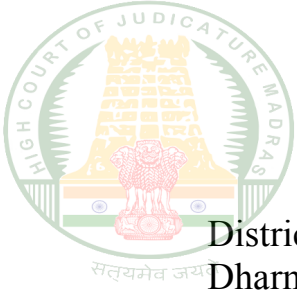
(J.N.B.J.) (M.J.R.,J.)
03.07.2025

Index: Yes / No
Internet: Yes / No
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To:

1. The Chairman

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District Level Vigilance Committee
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2.The District Collector
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J. NISHA BANU, J.
and
M.JOTHIRAMAN, J.

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09.07.2025