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WP No. 20076 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-06-2025

CORAM

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

**WP No. 20076 of 2025
and W.M.P.No.22643 of 2025**

1. S.Ganesan
S/o. S Ubramani No. 9 Bharathi
Nagar, Menambedu, Ambattur,
Chennai 53

Petitioner(s)

Vs

1. The Chairman
State Level Scrutiny Committee III and
Additional Secretary to Government
Adi Dravidar And Tribal Welfare CV 6
Department Secretariat, Chennai 9

2.The Secretary
Chennai Port Trust, Chennai

3.The Chief Mechanical Engineer
Chennai Port Authority,
No. 1 Rajaji Salai, Chennai



Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for records of the 3rd respondent in its CME/A4/0528/2014/MEE dated 09.05.2025 communicating the letter of the 1st respondent in its Letter No. 7631/CV6(2)/2013-15 dated 27.03.2025 and quash the both orders and consequently refrain the respondents from conducting verification into the petitioners caste status especially as he has retired in April, 2020.

For Petitioner(s): Mr. V. Vijayashankar

For Respondent(s): Mr. Vadivel Deenadayalan
Additional Government Pleader

ORDER

(Order of the Court was made by J.NISHA BANU J.)

By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

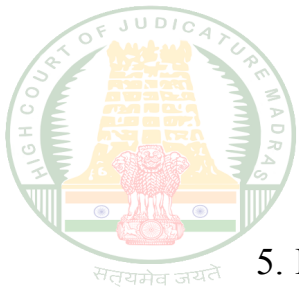
2. The present Writ Petition is filed for the issuance of a Writ of Certiorarified Mandamus to call for records of the 3rd respondent in CME/A4/0528/2014/MEE dated 09.05.2025 communicating the letter of the 1st respondent in its Letter No. 7631/CV6(2)/2013-15 dated 27.03.2025 and quash both the orders and consequently refrain the respondents from conducting verification into the petitioner's caste status as he has retired in April, 2020.



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3. It is the case of the petitioner that he belongs to *Kurumans* Community, which is classified as Scheduled Tribe and was issued with a Community Certificate by the Tahsildar in December, 1979 and on that basis, the petitioner was appointed as a Peon in the Chennai Port Trust in the year 1984 and retired from service on 30.04.2020. After attaining the age of superannuation, the respondents did not sanction pension and other terminal benefits and hence, the petitioner approached this Court by filing W.P.No.10604 of 2020 for the terminal benefits and the same was admitted and was pending. While so, during the pendency of the Writ Petition, based on the instructions issued by the Government of India that withholding of all terminal benefits was not justified, respondent Nos.2 and 3 released the pension and all other terminal benefits to the petitioner. Therefore, the petitioner withdrew the said Writ Petition.

4. It is the further case of the petitioner that on 09.05.2025, the second respondent has sent a letter to the petitioner to appear for enquiry for verification of his community certificate. According to him, the enquiry is not at all required, as he had retired from service and all the benefits were also sanctioned to him. Challenging the enquiry summon, the present Writ Petition is filed.



5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

6. It is seen from the records that the petitioner joined the services of the Chennai Port Trust as early as in 1984 and retired from service on 30.04.2020. Therefore, questioning his community certificate, after his retirement is uncalled for.

7. The Apex Court in the case of **R.Sundaram vs. The Tamil Nadu State Level Scrutiny Committee and Others dated 17.03.2023**, in Paragraph No.16 held as follows:-

“16. It has been explicitly stated by this court that the exercise of verification of community certificate must be completed expeditiously. In the present case, however, as has been mentioned above, there has been an inordinate and unexplained delay of 19 years, an amount of time which cannot be fathomed, within the ambit of 'reasonable time'.”

8. In yet another case, the Supreme Court in the case of SLP(C) No.24458/2019 dated 03.03.2023, was pleased to hold as under:-

“It is submitted that the respondent No.1 who served in the Railways has superannuated on 28.02.2022 and therefore, the exercise in this case would largely be academic on the aspect of whether she belonged to the claimed Scheduled Tribe category.



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Considering the above, we deem it is appropriate to order for closure of the proceedings. Accordingly, the Special leave Petition stands disposed of.”

9. 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:

“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



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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 social status certificates.

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

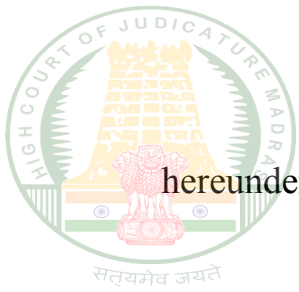


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social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance 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 in no case on request not more than 30 days from the date of the receipt of the notice."

10. Keeping in mind the above judgment of the Apex Court, an Office Memorandum was issued on 24.12.2020 by the Joint Secretary, Lok Sabha Secretariat. The relevant portions of the Office Memorandum are extracted



hereunder:

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“...It is pertinent to mention that the Departments/Banks/PSUs have not adhered to the above mentioned guidelines of DoP&T and CVC and also it is not in conformity with the Hon'ble Supreme Court judgment delivered vide Kumari Madhuri Patil Vs. Addl. Commissioner in 1995 AIR 94, 1994 SSC (6) 241 Order dated 02.09.1994 ***since this judgment can only be implemented in prospective.***

2. Here, it is pertinent to bring to your notice DoP&T OM no.230/08/2005-AVD II dated 25.05.2005, which clearly states the following:-

“Government has, therefore decided that a detailed verification of all such certificates produced before various appointing authorities since 1995 be carried. The CVOs are requested to initiate this task by collecting the details of all those who had been appointed in the Ministries/Departments or agencies including CPSUs with which they are concerned, since 1995 on the strength of ST certificates.

2. Keeping in view the above mentioned facts, it is requested that the concerned State Level Scrutiny Committee be directed to verify the ST caste certificates of only those employees who were appointed ***after the year 1995 and the process of verification should be completed within two months.*** The Action Taken Report in this regard may be please be forwarded to this Secretariat at the earliest but not later than 18.02.2021 so that the same may be placed before the Committee.”



11. The above referred Office Memorandum makes it very clear that community certificates of employees, who were inducted into Government Service after 1995 can alone be subjected for scrutiny / verification. To be more precise, it is incumbent on the employers / authorities to conduct verifications ideally at the time of an employee's entry into service, so as to ensure the accuracy and integrity of personnel records.

12. In furtherance thereof, the Government of India, Ministry of Personnel, PG & Pensions, Department of Personnel and Training issued instructions dated 21.10.2022 to all State / UT Governments, insisting upon the need for timely verification of Caste / Community certificates, indicating as follows:

“3. In this regard, it is reiterated that the responsibility for the issue and verification of Caste Certificate lies with the concerned State / UT Government. The Hon'ble Supreme Court, vide its order dated 02.09.1994 in the matter of Kumari Madhuri Patil vs. Addl. Commissioner, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees by the State Government, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government.”

13. On a reading of the aforesaid instructions, it is apparent that the Government of India is very keen in curbing the wrongful entry of an employee in the Government Service based on the fake community certificate and issued instructions to all State / UT Governments for verification of the community



certificates at the earliest point of time.

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14. In an another Office Memorandum dated 30.11.2021, issued by the Government of India, Ministry of Personnel, PG & Pensions, Department of Pension & Pensioner's Welfare strictly instructed concerned Departments that unless departmental or judicial proceedings are pending against a retired employee, the pensionary / retirement benefits due to the retiring employee should not be withheld or delay on the ground of pendency of verification of caste certificate.

15. Learned counsel for the petitioner drew our attention to the Government Order dated 15.10.2012 issued by the Government of Tamil Nadu, constituting a District Level Vigilance Committee and State Level Scrutiny Committee to verify the genuineness of the community certificates. Vigilance Cells at Chennai, Salem, Trichy and Madurai were also formed to verify the community status and submit a report to the Committee. In the Government Order, the functions of the Vigilance Cells have been enumerated and a time frame has also been fixed for completion of enquiry, which reads as follows:

“vii) The inquiry should be completed as expeditiously as possible preferably by day to day proceedings within such period ***not exceeding two months***. If after inquiry, the competent committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the



conclusion of the proceedings the result of enquiry to the parent / guardian and the applicant.”

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16. In the light of various judgments of the Supreme Court and also the guidelines / instructions / GO issued by both Government of India and State Government, from time to time, we are of the view that the respondent cannot keep the matter pending for months / years together in the garb of verification of community certificates, especially when there is a specific time frame fixed for completion of such verification.

17. Therefore, the verification of the petitioner's community certificate at this belated stage will be a futile exercise and is not in consonance with the judgment of the Supreme Court and guidelines issued by the Government. Hence, we have no other option, but to set aside the impugned proceedings.

18. The learned counsel for the petitioner would also state that the petitioner at this age is finding difficult to appear for enquiry before the officials and therefore, the petitioner would state that he is willing to surrender his community certificate and he will not claim concessions to his children on the basis of his community certificate.

19. In the result, the Writ Petition is allowed. The impugned letter of the third respondent in Letter No.CME/A4/0528/2024/MEE, dated 09.05.2025

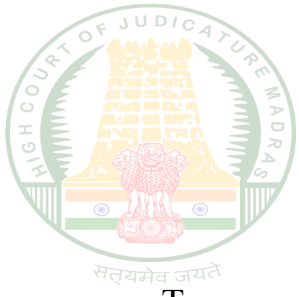


communicating the letter of the first respondent in Letter No.7631/CV-6(2)/2013-15, dated 27.03.2025 is hereby set aside and. The petitioner shall

surrender his community certificate (*if not already surrendered*) to the concerned Officials on due acknowledgment. ***The affidavit filed by the petitioner dated 02.06.2025 undertaking that he will not make any claim or derive any concession or benefits on the basis of his community certificate, is hereby recorded.*** In case, any application for issuance of community certificate is made by the son/s or daughter/s of the petitioner in future for the purpose of education, employment, etc., an independent enquiry can be conducted by following due process of law and a decision shall be taken in respect of issuance of community certificate within two months from the date of receipt of application, if any made, bearing in mind the judgment of the Supreme Court / guidelines and the Government Order issued by the State Government dated 15.10.2012 (referred to supra). No costs. Consequently, connected miscellaneous petitions are closed.

(J.NISHA BANU J.) (M.JOTHIRAMAN J.)
05-06-2025

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