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WP No. 20179 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. 20179 of 2025

and WMP.No.22751 of 2025

S.Jagadeesan

S/o.K.T.Subramaniam, No.52, Thamarai Nagar, 3rd
Cross, Kavundampalayam, Coimbatore- 641 030.

Petitioner(s)

Vs

1.The Tamil Nadu State Level Scrutiny Committee-
II, Adi Dravidar And Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat, Chennai-
09, Rep. By Its Chairman.

2. The Director

Tribal Welfare Department, Chepauk, Chennai-05.

3. The Deputy Superintendent Of Police

Social Justice And Human Rights, Sc/ St Vigilance Cell, Krishnagiri District.

4. The Zonal Manager

Life Insurance Corporation Of India, Anna Salai, Chennai-02.

5. The Senior Divisional Manager

Life Insurance Corporation Of India, Divisional Office, India Life Building,
P.B. No.3810, Trichy Road, Coimbatore- 641 018.

Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India,

praying to issue a writ of Mandamus forbearing the respondents or any of their



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agency from verifying the petitioner's community status in view of the petitioner's retirement on 31.05.2021 and consequently direct the respondents 4 and 5 to disburse the terminal benefits to the petitioner with reasonable interest in view of the judgment passed by the Hon'ble Supreme Court in the case of Union of India Vs. S.Renuka in SLP(C).No.24458/2019 dated 03.03.2023.

For Petitioner(s): Mr.S.Doraisamy

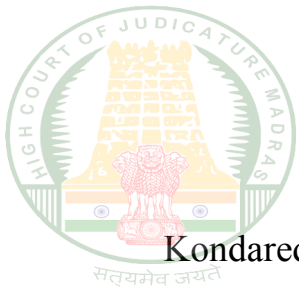
For Respondent(s): Mr.Vadivel Deenadayalan, AGP.

ORDER

(Order of the Court was made by the Hon'ble J.Nisha Banu J.)

This Writ petition is filed praying to issue a writ of Mandamus forbearing the respondents or any of their agency from verifying the petitioner's community status in view of the petitioner's retirement on 31.05.2021 and consequently direct the respondents 4 and 5 to disburse the terminal benefits to the petitioner with reasonable interest in view of the judgment passed by the Hon'ble Supreme Court in the case of Union of India Vs. S.Renuka in SLP(C).No.24458/2019 dated 03.03.2023.

2. It is averred in the writ petition that the petitioner belongs to



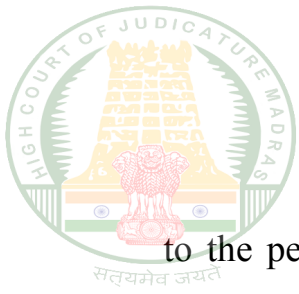
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Kondareddis community, which is a Scheduled Tribe Community. He obtained community certificate from the Tahsildar, Hosur on 07.05.1981 after due enquiry and proper verification. He was appointed as Assistant in L.I.C. Of India at Tiruchengode on 14.06.1981.

3. It is submitted by the petitioner that based on a complaint regarding his community certificate, the 5th respondent without verifying genuineness of the third party complaint and without conducting any preliminary enquiry, referred the matter to the District Collector, Dharmapuri. The District Collector, Dharmapuri, without enquiry, cancelled the petitioner's community certificate on 24.03.1991.

4. The petitioner filed W.P.No.7601 of 1991 as against the cancellation of his community certificate. The learned Single Judge by order dated 13.07.1999, dismissed the writ petition. Aggrieved by the same, the petitioner filed W.A.No.1133 of 1999 and the same was allowed on 27.07.2005, and the order passed by the Collector, Dharmapuri, has been set aside.

5. On 19.07.2006, the District Level Vigilance Committee issued notice



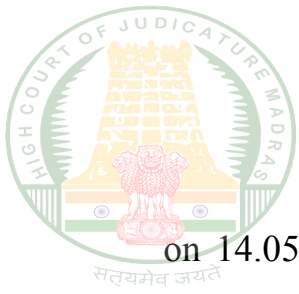
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to the petitioner to appear for enquiry. The petitioner filed W.P.No.50329 of 2006 and this court by order dated 07.04.2011, directed the State Level Scrutiny Committee to pass orders on the verification of genuineness of the community certificate within a period of eight weeks. According to the petitioner, the petitioner was not called upon for an enquiry thereafter.

6. The petitioner retired from service on superannuation on 31.05.2021 after rendering 40 years of service. On 31.05.2021, the 5th respondent issued letter stating since the verification of community certificate is pending with State Level Scrutiny Committee, the respondent Corporation have decided to withhold all the terminal benefits.

7. The petitioner made a representation to the Chairperson of LIC, Mumbai, on 20.04.2022 requesting to release the terminal benefits. On December 2022, the respondent Corporation granted a provisional pension to the petitioner after execution of indemnity bond. However, other benefits were withheld.

8. It is also stated by the petitioner that the 3rd respondent issued notice



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on 14.05.2025 to appear for enquiry to be held on 22.05.2025. The learned

counsel for the petitioner submits that till the date of petitioner's retirement, the State Level Scrutiny Committee has not proceeded against the verification of his community certificate. The learned counsel for the petitioner relied on the decision of the Honourable Supreme Court in the case of ***Union of India Vs. S.Renuka in S.L.P.(c).No.24458 of 2019 dated 03.03.2023.***

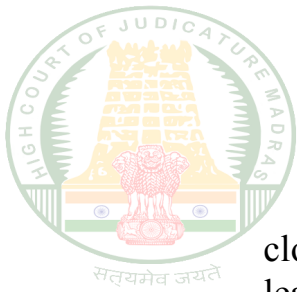
9. Heard both sides.

10. 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'.”

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. Considering the above, we deem it is appropriate to order for



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closure of the proceedings. Accordingly, the Special leave Petition stands disposed of.”

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11. The Hon'ble Supreme Court, in the case of *Kumari Madhuri Patil vs. Additional Commissioner*, reported in 1995 AIR 94, insisted that the community certificate in respect of SC/ST should be scrutinised at the earliest.

12. 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:

“...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



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which they are concerned, since 1995 on the strength of ST certificates.

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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.”

13. 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.

14. 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:



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“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.”

15. 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 delayed on the ground of pendency of verification of caste certificate.

16. Learned counsel for the petitioner drew our attention to the Government Order dated 15.10.2012 issued by the Government of Tamil Nadu, wherein, the functions of the Vigilance Cell 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



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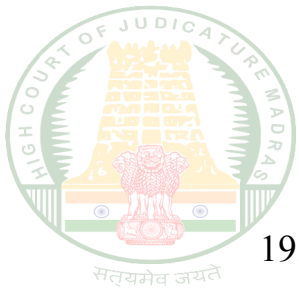
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committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent / guardian and the applicant.”

17. 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.

18. In this case, impugned notice was issued to the petitioner on 14.05.2025 to appear for enquiry to be held on 22.05.2025, after 4 years of his retirement from service. In the affidavit filed in support of the writ petition, in paragraph 11, the petitioner has given an undertaking as under:-

“ 11. I state that I have two sons. I state that I undertake that I will not claim reservation benefit based on my community certificate in future or use the certificate as proof for my family members. Hence it is just and necessary to direct the respondents to drop the delayed enquiry.”



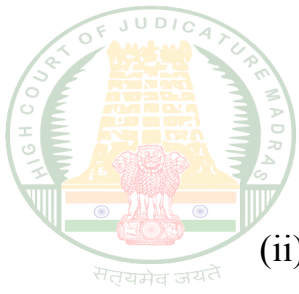
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19. In view of the law laid by the Hon'ble Supreme Court and the procedure that is to be followed in enquiry relating to verification of communal status, we are of the view conducting the verification or repeated enquiries on the communal status of a person claiming benefit either as a Scheduled Caste or as a Scheduled Tribe is not conducive.

20. The learned counsel for the petitioner would 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 shall not utilize the ST community certificate dated 07.05.1981 for himself or to his children at any point of time in future.

21. In the light of the decisions of the Apex Court referred to supra, the Writ Petition is allowed on the following directions:-

(i) The respondents or any of their agency shall not verify the petitioner's community status in view of the petitioner's retirement on 31.05.2021; The respondents 4 and 5 are directed to disburse the terminal benefits to the petitioner with reasonable interest, within two months from the date of receipt of a copy of this order.



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(ii) The petitioner shall surrender his community certificate *(if not already surrendered)* to the concerned Officials on due acknowledgment. ***The undertaking given by the petitioner that he will not claim reservation benefit based on his community certificate in future or use the certificate as proof for his family members, is hereby recorded.***

(iii) 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 petition is closed.

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

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J.NISHA BANU, J.
AND
M.JOTHIRAMAN, J.

nvsri

To

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Adi Dravidar And Tribal Welfare Department, Namakkal
Kavingar Maligai, Secretariat, Chennai-09, Rep. By Its
Chairman.

2. The Director
Tribal Welfare Department, Chepauk, Chennai-05.

3. The Deputy Superintendent Of Police
Social Justice And Human Rights, Sc/ St Vigilance Cell, Krishnagiri District.

4. The Zonal Manager
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