



WEB COPY

WP No. 21855 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-06-2025

CORAM

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

**W.P. No. 21855 of 2025
and W.M.P.No.24636 of 2025**

1. M.Thamizharasu
S/o.Muthusamy, No.6/7, J.J.Nagar,
Pannavadi Road, Kolathur Post, Mettur
Taluk, Salem District.

Petitioner(s)

Vs

1. The Chairman
State Level Scrutiny Committee-iii,
Additional Secretary To Government,
Adi Dravidar And Tribal Welfare (cv3)
Department, Secretariat,
Chennai-600 009.

Respondent(s)

PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus forbearing the respondent from verifying the



petitioners community status in view of petitioners retirement on 31.03.2019 in the light of the Judgment of the Honourable Supreme Court in SLP(C) No.24458/2019 dated 03.03.2023 and the Honourable Madras High Court in W.P(MD) No.9378 of 2025 dated 03.04.2025.

For Petitioner(s): Mr.N.Naganathan

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

ORDER

(Order of the Court was made by M.JOTHIRAMAN, J.)

The Writ Petition is filed for forbearing the respondent/ Chairman, State Level Scrutiny Committee-III, from verifying the petitioner's community status in view of the petitioner's retirement on 31.03.2019.

2. The case of the writ petitioner is that the petitioner belonged to Hindu Kondareddis Community. He was issued with Form of Caste Certificate by the Tahsildhar, Mettur Dam, Salem, dated 14.09.1978. He was appointed as Clerk under ST quota in the Bank of Baroda on 04.01.1990. The employer had referred the petitioner's community certificate for verification to the respondent, following which, the Vigilance Cell, Salem, submitted its negative report on 15.07.2015. He filed a Writ Petition in W.P.No.9550 of 2017 calling into question the proceedings dated 03.01.2017 of the first respondent therein, in and by which the first respondent recommended the District Collector, Erode/Salem, and the General Manager of second respondent/ Bank to take criminal action against the petitioner for having obtained a Scheduled Tribe Community



Certificate by defrauding the Constitution and this Court, vide order dated 17.11.2017 issued directions to conduct an enquiry afresh and pass orders within a time stipulated. Consequently, the Bank of Baroda, by letter dated 25.01.2017, had terminated the service of the petitioner based on the order of the State Level Scrutiny Committee. He filed another Writ Petition in W.P.No.14906 of 2018 to reinstate him in service and this Court, by order dated 26.11.2018, directed the State Level Scrutiny Committee to pass appropriate orders on or before 31.01.2019. Aggrieved over the same, the petitioner preferred Special Leave Petition in S.L.P.(Civil) Diary No.13893 of 2019 before the Hon'ble Supreme Court, which was dismissed as withdrawn on 29.04.2019 with liberty to pursue any other remedy. Thereafter, the State Level Scrutiny Committee had issued a letter dated 27.03.2025 to appear for enquiry on 22.04.2025 for which, he had given a reply on 23.04.2025 and 26.04.2025. The petitioner filed another Writ Petition in W.P.No.522 of 2025 for seeking terminal benefits and the same was dismissed as withdrawn on 25.04.2025. He made a representation to drop the enquiry proceedings on 26.05.2025, though it was received by the respondent, but, no action is taken to drop the proceedings. Challenging the same, the present Writ Petition is filed.

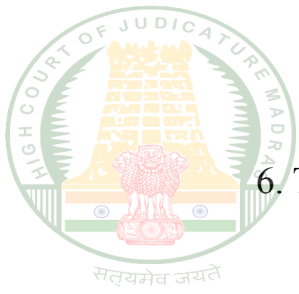
3. The learned counsel appearing for the petitioner would submit that the Hon'ble Apex Court and this Court have time and again, stressed that the verification after retirement is a wasteful exercise. The writ petitioner was terminated long back in the year 2017 as because of the earlier cancellation



order. He would submit that once the cancellation order is set aside, it is presumed that his community certificate is in force and the respondent has to forbear from verifying the petitioner's community status.

4. Per contra, the learned Additional Government Pleader appearing for the respondent would submit that the petitioner was terminated from service based on the order of the State Level Scrutiny Committee. The Committee, in terms of the guidelines and procedures issued pertaining to verification of genuineness of the caste certificate, ordered that caste certificate Hindu Kondareddis issued to the petitioner by the Tahsildhar, Mettur Dam, stands cancelled vide proceedings No.1412A/CV-4(2)/2013-7, dated 03.01.2017. The petitioner had challenged the same in W.P.No.14906 of 2018 and the Division Bench of this Court, vide order dated 26.11.2018, directed to conduct enquiry with regard to the validity of the community certificate issued to the writ petitioner by the Tahsildhar dated 14.09.1978. Aggrieved over the order, he had preferred S.L.P. before the Hon'ble Supreme Court and the same was withdrawn by him. There is no cause of action to file this Writ Petition and prays to dismiss the same.

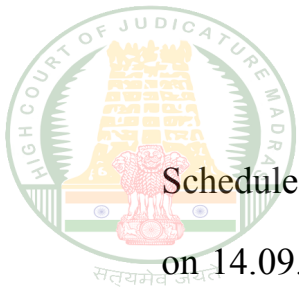
5. We have considered the submissions made on either side and perused the available records.



6. The present Writ Petition is filed seeking the following relief:-

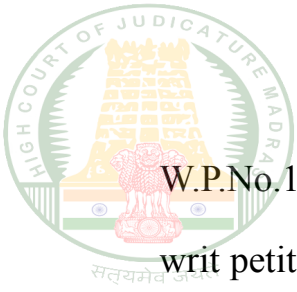
“It is therefore prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ or direction in the nature of writ, forbearing the respondent from verifying the petitioner's Community status in view of petitioner's retirement on 31.03.2019 in the light of the Judgment of the Hon'ble Supreme Court in SLP.(C) No.24458/2019 dated 03.03.2023 and the Hon'ble Madras High Court in W.P.(MD)No.9378 of 2025 dated and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.”

7. It is seen from the records that the Deputy General Manager, Bank of Baroda, in RO:CBE:HRM:52:2892, dated 25.01.2017, issued the termination order to the petitioner from Bank service, wherein, it has been stated that the writ petitioner executed a declaration dated 20.01.1990 to the Bank that the petitioner belongs to Scheduled Tribe community and that the Bank has considered his application for appointment in clerical cadre relying on the declaration given by him, in which, it was categorically declared that if it was found untrue/false, the Bank will be at liberty to terminate his service, wherein, it is also stated that the writ petitioner appeared before the 3-Member State Level Scrutiny Committee on various dates for proving his caste status. But, he was absent and finally, he had appeared on 29.11.2016 and produced certain documents. After due consideration and examination of the various documents/evidences, the Committee arrived at the conclusion that the petitioner do not belong to 'Kondareddis' caste of Scheduled Tribe community and the State Level Scrutiny Committee held that “Hindu-Kondareddis”



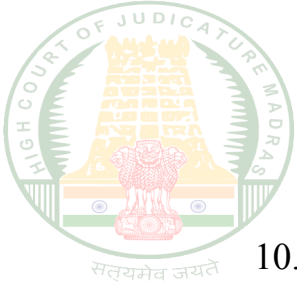
Scheduled Tribe Form of Caste Certificate issued by the Tahsildar, Mettur Dam, on 14.09.1978 to the petitioner is “not genuine”. Further, the Tamil Nadu State Level Scrutiny Committee recommended, in its proceedings dated 03.01.2017 to the District Collector, Erode/Salem, and the General Manager, Bank of Baroda, to take criminal action against the writ petitioner for having obtained a Scheduled Tribe community certificate by defrauding the Constitution and consequently, cancelled the “Hindu Kondareddis” Scheduled Tribe Form of Caste Certificate issued to the petitioner. Aggrieved over the same, the writ petitioner preferred a Writ Petition in W.P.No.9550 of 2017 and vide order dated 17.11.2017, the Division Bench of this Court directed the State Level Scrutiny Committee to give an opportunity to the writ petitioner to produce documents in support of his claim and thereafter, decide the matter on merits and as per law.

8. It is also seen from the records that the writ petitioner is challenging the order of termination proceedings dated 03.02.2017 issued by the Bank of Baroda and also seeking direction to the Bank of Baroda, to reinstate him into service with all benefits in view of the order of cancellation of community certificate of the writ petitioner by the State Level Scrutiny Committee is set aside in W.P.No.9550 of 2017, dated 17.11.2017. Aggrieved over the order passed by the Division Bench of this Court dated 26.11.2018 in W.P.No.14906 of 2018, the petitioner preferred S.L.P.(Civil) Diary No.13893 of 2019 before the Hon'ble Supreme Court, which was dismissed as withdrawn on 29.04.2019. Therefore, the order passed by the Division Bench of this Court in



W.P.No.14906 of 2018, dated 26.11.2018 reached finality. Subsequently, the writ petitioner filed a Writ Petition in W.P.No.522 of 2025 directing the Bank of Baroda, represented by its General Manager and the Bank of Baroda, represented by its Deputy General Manager, to disburse the terminal/retirement benefits and other attendant benefits with reasonable interest. The said writ petition came to be dismissed as withdrawn on 25.04.2025. The issue, with regard to verification of the community certificate as well as the termination order passed by the employer i.e. Bank of Baroda, has reached finality.

9. Now, the present writ petition is filed without any cause of action seeking the relief of forbearing the State Level Scrutiny Committee from verifying the petitioner's community status in view of the petitioner's retirement is unsustainable in law. The Writ Court under Article 226 of the Constitution of India cannot issue any blanket order of injunction against the State Level Scrutiny Committee from verifying the petitioner's community certificate. Though in the affidavit, it has been stated that the State Level Scrutiny Committee had issued a letter dated 27.03.2025 asking him to appear for enquiry on 22.04.2025 and the same letter has not been found place in the typed set of papers, we are of the view that there is no cause of action to entertain this Writ Petition and hence, the same is liable to be dismissed.



10. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)

26-06-2025

ASI

To

The Chairman
State Level Scrutiny Committee-III,
Additional Secretary To Government,
Adi Dravidar And Tribal Welfare (cv3)
Department, Secretariat,
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