



W.P.No.30788 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

C O R A M

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

W.P.No.30788 of 2024 and
W.M.P.No.33390 of 2024

N.Rajeswari

... Petitioner

-VS-

1. The General Manager,
Heavy Water Plant, Tuticorin,
Department of Atomic Energy,
Government of India,
Tuticorin-628 007.
2. The Secretary to the Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Tamil Nadu, Chennai-09.
3. The District Collector,
Collectorate Office,
Tirunelveli District - 627 001.
4. The Sub- Collector,
Cheran Mahadevi and Post,
Tirunelveli District.
5. The Tahsildar,
Naguneri Taluk,



W.P.No.30788 of 2024

Naguneri Post,
Tirunelveli District.

... Respondents

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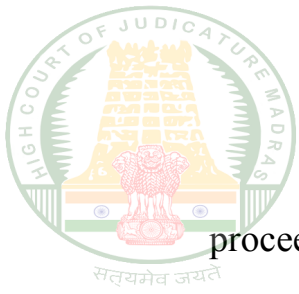
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 1st respondent giving direction to the 2nd respondent to verify the genuineness of the petitioner's community certificate H.W.P.T/rect/473/2023/1494 dated 04.06.2023 and the Ref HWPT/Estt/473/2024/206 dated 24.01.2024 and the order of the 2nd respondent passed in his letter number 6079151/CV2/2023-1 dated 18.04.2024 and quash the same and forbear the respondents from further verifying the petitioner's community certificate as the petitioner's community certificate is already found genuine by this Court in W.P.No.19793 of 1992 judgment dated 29.04.1999.

For Petitioner : Dr.Gowri
For M/s.P.Ebenezer Paul
For R1 : Mr.K.Srinivasamurthy
Sr.Panel Counsel
For R2 to R5 : Mr.R.Kumaravel
Addl. Govt. Pleader

ORDER

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

This writ petition has been filed, challenging i) the impugned proceedings of the 1st respondent, requesting the 2nd respondent to verify the authenticity of the community certificate of the petitioner, ii) the impugned



W.P.No.30788 of 2024

proceedings of the 1st respondent to the reminder of the 1st impugned proceedings and iii) the impugned letter of the 2nd respondent, directing the District Collector to send the verification report. The petitioner also sought to forbear the respondents from further verifying the petitioner's community certificate as the petitioner's community certificate is already found genuine by this Court in W.P.No.19793 of 1992 judgment dated 29.04.1999.

2. The case of the petitioner is that he belongs to Hindu Sholaga community, which is classified as Scheduled Tribe (ST) under the Constitution Scheduled Tribes Order, 1950 as per the certificate issued by the Tahsildar/5th respondent, on 22.07.1989. Subsequently, he was selected and appointed as Scientific Assistant in the 1st respondent office with effect from on 11.09.1989. Prior to 11.11.1989, Tahsildars were competent authorities to issue community certificate on proper verification and the said position has been clarified in G.O.Ms.No.2137 Adi Dravidar and Tribal Welfare Department dated 11.11.1989 and in the judgment of the Apex Court reported in 1997 (2) CTC 36. The community certificate of the petitioner was initially cancelled by the 3rd respondent on the basis of the 4th

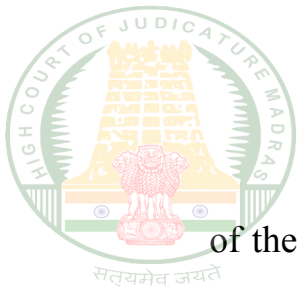


W.P.No.30788 of 2024

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respondent. When the said cancellation was challenged before this Court, the Writ Petition filed by the petitioner was allowed on 29.04.1999 vide judgment reported in 2000 (1) MLJ 267. Again, the petitioner's certificate was sent by the 1st respondent for verification on the ground that the petitioner is in the zone of consideration for the next higher grade. Though 2nd respondent requested the 3rd respondent to verify the authenticity of the certificate and send a report, no report has been forwarded by the 3rd respondent till now. As a result, the 1st respondent has been withholding the promotion order of the petitioner, which is clear from the communication of the 1st respondent dated 11.05.2024. Aggrieved by the act of the respondents, the petitioner is before this Court, seeking to quash the same.

3. Learned counsel appearing for the petitioner submitted that when the genuineness of the petitioner's community certificate as belonging to Hindu Sholaga Scheduled Tribe Community was confirmed by the then competent authority prior to 11.11.1989, i.e. Tahsildar, the 1st respondent could not have sent the certification for verification after a lapse of more than 35 years . Learned counsel for the petitioner, relying on the judgment



W.P.No.30788 of 2024

of the Hon'ble Supreme Court in the case of **J.Chitra Vs. District Collector**.

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reported in **(2021) 9 SCC 811**, submitted that there cannot be repeated verification of the community certificate, particularly when the exact position was made clear by the Government on 11.11.1989 that was confirmed by the Supreme Court also.

4. Mr.R.Kumaravel, learned Additional Government Pleader appearing for R2 to R5 contended that based on the request made by the 1st respondent / employer of the petitioner, the scrutiny of the petitioner's community certificate is under process.

5. Heard the learned counsel for the petitioner, learned Senior Panel Counsel for R1 and the learned Additional Government Pleader appearing for the respondents 2 to 4 and perused the materials available on record.

6. The short point for consideration involved in this case is



W.P.No.30788 of 2024

whether the 1st respondent could reopen the process of verification of the community certificate of the petitioner on the ground that the petitioner is in the zone of consideration for promotion, while the issue relating to the verification of certificate has been clarified by the Government vide order dated 11.11.1989, which has been upheld by the Supreme Court. It is seen that at the instance,, the community certificate of the petitioner was put to test, by which the certificate of the petitioner was found to be genuine. The Apex Court in the case of **J.Chitra Vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and Others** reported in **(2021) 9 SCC 811** deprecated the practice of reopening of enquiry into caste certificates, by holding as under:

“8. In the instant case, an inquiry was conducted by the District Level Vigilance Committee which has upheld the community certificate in favour of the Appellant. The decision of the District Level Vigilance Committee in the year 1999 has not been challenged in any forum. The recognition of the community certificate issued in favour of the Appellant by the District Vigilance Committee having become final, the State Level Scrutiny Committee did not have jurisdiction to reopen the matter and remand for fresh consideration by the District Level Vigilance Committee. The guidelines issued by G.O.108 dated 12.09.2007 do not permit the State Level Scrutiny Committee to reopen cases which have become final. The purpose of verification of caste certificates by Scrutiny Committees is to avoid false and bogus claims. Repeated



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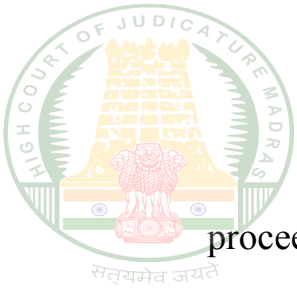
W.P.No.30788 of 2024

inquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and Scheduled Tribes. Reopening of inquiry into caste certificates can be only in case they are vitiated by fraud or when they were issued without proper inquiry.”

7. By heavily relying upon the aforesaid judgment of the Supreme Court, it is represented by the learned counsel for the petitioner that once the genuineness of the caste certificate of the petitioner was confirmed by the competent authority, even the children of the petitioner will be automatically entitled to the same status, as per the dictum laid down in the judgment of the Apex Court (*supra*), which has been followed by a Division Bench of this Court in W.P.No.38311 of 2024 dated 18.12.2024.

8. The judgment rendered by the Supreme Court in *Chitra's case* squarely applies to the case on hand and the said judgment has been followed by one of us (JNBJ), while hearing a similar issue in W.P.No.6331 of 2020. Therefore, we are of the view that the 1st respondent has no jurisdiction to embark on a second enquiry into the community status of the petitioner and the orders impugned herein are liable to be set aside.

9. Accordingly, the Writ Petition is allowed. The impugned



W.P.No.30788 of 2024

proceedings of the 1st respondent dated 04.06.2023 and dated 24.01.2024

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and the order of the 2nd respondent dated 18.04.2024 are hereby set aside,

forbearing the respondents from further verifying the petitioner's community

certificate. No costs. Consequently, W.M.P.No.33390 of 2024 filed to

dispense with the production of the impugned proceedings is ordered.

(J.N.B.J.) (M.J.R,J.)
23.06.2025

Index: Yes / No

Internet: Yes / No

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W.P.No.30788 of 2024

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W.P.No.30788 of 2024

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W.P.No.30788 of 2024



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W.P.No.30788 of 2024

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