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WP No.33268 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 02-04-2025

PRONOUNCED ON : 25-04-2025

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

And

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

**W.P. No.33268 of 2023
and W.M.P. Nos.33007 and 33009 of 2023**

A. Periyasamy

... Petitioner

-VS-

1. The Chairman,
Tamilnadu State Level Scrutiny Committee -II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai-9.

2. The Senior Superintendent,
RMS "T" Division,
Trichy-1.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, or any other appropriate writ or direction in the nature of writ or order by calling for the records of the first respondent in its Proceedings No.3651/CV-3(1)/2018, Dated 06.11.2023 and quash the same.



For Petitioner : Mr. V. Vijayashankar

For Respondent 1 : Mr. P. Kumaresan, AAG,
Assisted by Mr. Vadivelu Deenadayalan, AGP

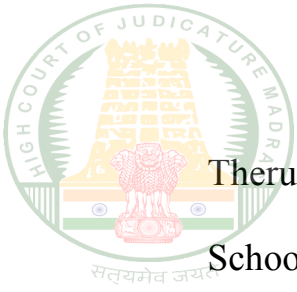
For Respondent 2 : Mr. V. Balasubramanian, SPC

ORDER

[Order made by K. RAJASEKAR, J.]

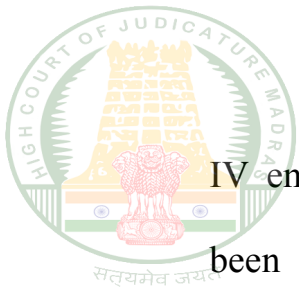
This writ petition has been filed challenging the order passed by the Tamilnadu State Level Scrutiny Committee -II in Proceedings No.3651/CV-3(1)/2018, Dated 06.11.2023, holding that the community certificate issued to the writ petitioner is not genuine and the same is liable to be confiscated.

2. The case of the writ petitioner is that, he is the son of one Arumugam, residing at Nandini Nagar, Srirangam Taluk, Trichy District, and belongs to Hindu Kattunaicken Community [Scheduled Tribe]. His community certificate was issued on 29.05.1984 by the competent authority. His father and ancestors were residents of Chinthamani Ground, Poosari



Theru, Trichy. He studied at the National College Higher Secondary School, Trichy and all his relatives were also issued with the community certificate under the category Hindu Kattunaicken Community [Scheduled Tribe]. He was appointed as a Mail Man under the second respondent's Department in the year 1985. Subsequently, based on the letter received from the Revenue Divisional Officer, he was terminated from the service, on the ground that, his community certificate is not genuine. However, his termination was set aside by the Central Administrative Tribunal and later confirmed by this Court. Thereafter, the first respondent - Tamilnadu State Level Scrutiny Committee -II had referred the matter for enquiry by the Vigilance Cell and initiated proceedings for verifying the genuinity of the community certificate of the petitioner in the year 2017-2018 and consequently, passed the impugned order.

3. The petitioner further submitted that his family members including his four sisters and brother possess community certificate issued by the Tahsildar/ RDO as Hindu Kattunaicken Community [Scheduled Tribe] and all their children have also been issued with the very same community certificate. Both the petitioner's father and mother were Class



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IV employees in the Tiruchirappalli Municipality/ Corporation have also been declared that they belong to the Kattunaicken community in their service records. Further, one of the petitioner's sister's son namely Karthikeyan and his cousin brother's son namely Arunkumar also been subjected to enquiry and the first respondent/ State Level Scrutiny Committee -II confirmed that they belong to the Kattunaicken community. However, despite such abundant and overwhelming documentary evidences, the Vigilance Cell gave a report that the petitioner does not belong to the Kattunaciken community. Subsequently, the first respondent has held that the community certificate issued to the petitioner is not genuine and passed the impugned proceedings dated 06.011.2023 that the petitioner does not belong to the Hindu Kattunaicken community. Aggrieved over the same, the petitioner has come forward with this writ petition.

The submissions on behalf of the petitioner:

4. The learned counsel appearing for the petitioner submitted that the first respondent/ State Level Scrutiny Committee -II has already held that the family members of the petitioner belongs to the Hindu Kattunaicken



Community [Scheduled Tribe], and since the first respondent has held that the community certificate of the petitioner's relatives are genuine, then the first respondent should have held that the petitioner belongs to Hindu Kattanaicken Community. He also submitted that the petitioner was not given opportunity to cross examine the witnesses, who have given statements containing adverse impact on the petitioner's community, which is a clear violation. Similarly, the copy of the report of the Anthropologist was not produced to the petitioner. Therefore, there is a violation of natural justice, hence, prays to set aside the order passed by the first respondent.

The submissions on behalf of the first respondent:

5. The learned counsel for the first respondent submitted that the State Level Scrutiny Committee -II has recorded the depositions of various individuals including the parents of the petitioner herein, examined the school records of the petitioner and his parents, thereafter rendered its finding that the community certificate of the petitioner is not genuine. He further submitted that the petitioner was also issued show cause notice dated 28.09.2019 and he had not given any supportive records or documentary



evidence to prove his case and after providing sufficient opportunity to the petitioner and considering all the evidence placed on record, the first respondent has held that the community certificate obtained by the petitioner in the year 1984 is not genuine and the subsequent certificate issued on 07.08.2007 by the Revenue Divisional Officer is not valid. Therefore, there is no infirmity in the order passed by the first respondent and prays to confirm the same.

Discussions and Conclusion:

6. We have considered the submissions made on both sides and also perused the records.

7. The learned counsel appearing for the petitioner referred the judgment of the Hon'ble Apex Court in *State of Bihar and Others vs. Sumit Anand [(2005) 12 SCC 248]*, wherein it is held that if the family member of the individual have been granted the certificate, certifying that they belong to a particular community, then the individual is entitled to get the same benefit. He also referred the Division Bench judgment of this Court in *V.*



Krishnan and another, Chennai vs. Scheduled Tribe Certificate Issuing Officer and Personal Assistant (General) to the Collector of Chennai and

Others [(2008) 4 MLJ 524], wherein it has been held that the certificate issued prior to 11.11.1989 by the Tahsildar to the Scheduled Tribe candidates is good and valid certificate, so long as such the certificate is not cancelled and it is further held that based on the above certificates, the candidates daughter is also eligible for getting the very same certificate.

8. We are of the view that the above judgments referred by the petitioner is not applicable to the present case in hand. In this case, the first respondent/ State Level Scrutiny Committee -II has analysed the case of the petitioner, more particularly, the school certificate of the petitioner's father namely P. Arumugam S/o Ponnann, who studied at R.C. Middle School, Tiruchirappalli during the academic year 1951-1957, wherein the community of the individual has been mentioned as Hindu "Oddan" (Scheduled Caste). Similarly, while the petitioner was studying in Class I - V standard, the National College Higher Secondary School, Trichy, the petitioner's community was recorded as Hindu - Jogi and while he was admitted to VI standard, the petitioner's community was recorded as Hindu



Kattunaicken based on the community certificate issued by the Tahsildar.

This certificate issued by the Tahsildar is found to be bogus certificate based on the enquiry report submitted by the District Collector, Madurai. Similarly, the first respondent has been served with the letter dated 03.08.1990, addressing to the second respondent herein/ the Senior Superintendent, RMS "T" Division, Trichy, stating that the community certificate produced by the petitioner for securing the employment is not genuine, on the ground that the Tahsildar of Madurai North Taluk, namely S.Baradhan, who is said to have issued the said community certificate dated 29.05.1984 to the petitioner was working as Tahsildar in Usilampati Taluk and not at Madurai North Taluk at that time, as stated in the community certificate produced by the petitioner.

9. The impugned order also reveals that, the depositions were recorded from the Headmaster of E.R. Higher Secondary School, Tiruchiappalli-2 with regard to the petitioner's brother namely A.Saravanan and it has been stated by the Headmaster that the community of the said Saravanan has been recorded as "Thotti". Similarly, the report of the Headmistress, R.C. Middle School, Trichy, where the petitioner's sister



namely Puspavalli studied, shows that the community of the said Puspavalli has been recorded as "Hindu Jogi". Apart from that, the depositions of the residents from Padhuvai Nagar, Trichy District was also recorded, which shows that the people living in the area of Chinthamani Ground, Poosari Theru of Trichy District belongs to "Jogi", "Oddar" and "Thotti" community and some of them obtained their community certificate as "Kattunaicken Community".

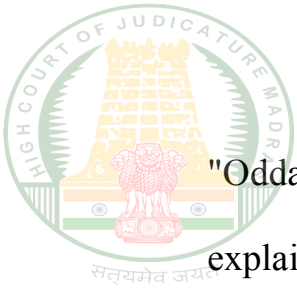
10. The first respondent has also given a finding that the parents of the petitioner were having school certificate records, in which they have mentioned their community as "Oddar". Similarly, the community of majority of the petitioner's family members recorded in their school records show that they belong to "Jogi", "Oddar", "Thotti" and "Harijan" community.

11. Admittedly, in the year 1990 itself, the petitioner's community certificate alleged to be issued by the Tahsildar, Madurai North Taluk was found to be fake and bogus, though, it was held by the Court that his community certificate has to be properly cancelled by the competent



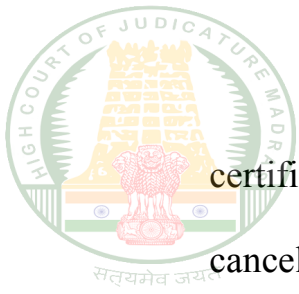
authority, but no final decision was taken for cancellation of the said certificate till the year 2000. Subsequently, the individual/ petitioner has obtained another community certificate from the Revenue Divisional Officer based on the community certificate issued in the year 1984. The first respondent has verified both the certificates and based on the evidence recorded, given the finding that the community certificate of the petitioner is not genuine.

12. The contention of the petitioner is that he was not given sufficient opportunity to cross examine the witnesses and his side evidence was not properly appreciated by the first respondent. The evidence placed on record and the order impugned herein shows that the petitioner was served notice and summoned for enquiry on 03.11.2023 with all the supportive documents to substantiate his case. However during the enquiry, the petitioner could not able to establish his cultural traits before the first respondent and more particularly, he has not made any request to contradict the report of the Anthropologist or with regard to the letter dated 03.08.1990 from the District Collector, Madurai. Further, he could not clarify the community of his family members, which has been recorded as "Jogi",



"Oddar", "Thotti" and "Harijan" in their school records and also failed to explain about the said community status mentioned in the documents submitted by him. The other contention of the petitioner is that the first respondent in its other proceedings has held that the petitioner's aunt's grandson namely D. Arunkumar S/o Devarajan belongs to Hindu Kattunaicken Community". The community of the said Arunkumar is concerned, the first respondent has held that his community certificate is based on his father and the same could not be considered for the petitioner's case, since the said Arunkumar's father is not having direct blood relationship to the petitioner. All these facts shows that the petitioner had availed sufficient opportunities before the first respondent, however, he could not able to prove his case.

13. The first respondent/ State Level Scrutiny Committee -II considering all the above fact has held that the community of the petitioner's family members, including his parents and sister recorded in their school records have not supported the case of the petitioner that he hails from the Hindu Kattunaicken Community. Further, the letter dated 03.08.1990 from the District Collector, Madurai also clinchingly shows that the community



certificate produced by the petitioner is fake, though it has not been cancelled in the subsequent proceedings, the first respondent has considered all the evidences produced on the side of the petitioner as well as recorded various statement of the stake holders, including the people belonging to the petitioner's locality, family members, relatives, school records and the report of the Officers from the Vigilance Cell and held that the community certificate produced by the petitioner is fake vide its proceedings dated 06.11.2023.

14. The Power of Judicial Review of this Court invoking Article 226 of Constitution of India in the nature of writ of certiorari is a supervisory jurisdiction and this Court cannot act as an appellate Court as held by Supreme Court in ***Syed Yakoob Vs. K.S.Radhakrishnan and Others*** [1964 SCR (5) 64]. The impugned order also shows that the order was passed based on the evidence placed on record and it has not been passed based on no evidence. The first respondent also given cogent reasons in its decision by scrutinizing the certificates of the relatives of the petitioner, which are found to be genuine, however the school records of the petitioner as well as his parents stands against the claim of the petitioner and there is



no proper explanation given by the petitioner in this regard, hence this Court finds no perversity in the finding of the first respondent, warranting interference of this Court in the impugned order.

15. Accordingly, this writ petition is hereby dismissed. Consequently, connected writ miscellaneous petitions stand closed. There shall be no order as to cost.

(S.M.SUBRAMANIAM,J.) (K.RAJASEKAR,J.)

25-04-2025

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

1. The Chairman,
Tamilnadu State Level Scrutiny Committee -II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai-9.
2. The Senior Superintendent,
RMS "T" Division,
Trichy-1.



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S.M.SUBRAMANIAM, J.
AND
K.RAJASEKAR, J.

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Pre-delivery Judgment made in
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