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WP NO. 37317 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WP NO. 37317 of 2024

and WMP.No.40333 of 2024

C.Rajasekar

S/o.V.Chinnaraj, No.85c, Balaji Avenue, Trichy
Road, Thuraiyur- 621 010 Trichy District.

Petitioner(s)

Vs

1.The Principal Secretary To Government
Adi Dravidar And Tribal Welfare (cv3) Department,
Secretariat, Chennai-09.

2. The Chairman

State Level Scrutiny Committee , Additional Secretary To Government, Adi
Dravidar And Tribal Welfare (cv3) Department, Secretariat, Chennai- 09.

3. The Director

Tribal Welfare Department, Chepauk, Chennai-05.

4. The Deputy Superintendent Of Police

Social Justice And Human Rights Wings / Sc /st Vigilance Cell, District Police
Office, Trichy District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a writ of Certiorarified Mandamus to call for the entire records
of the 1st respondent made in impunged order No.6795/CV-III/2017 dated



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09.08.2017 and impugned notice of the 3rd respondent

Na.Ka.No.Pame/Aa1/5181/2023 dated 25.10.2024 quash the same and consequently refrain the respondents from making verification into the petitioner's community after compulsory retirement.

For Petitioner(s) : Mr.L.Chandrakumar

For Respondent(s): Mr. Vadivelu Deenadayalan,
Addl. Govt. Pleader For R.1 To R.3

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 Certiorarified Mandamus to call for the entire records of the 1st respondent made in impugned order No.6795/CV-III/2017 dated 09.08.2017 and impugned notice of the 3rd respondent Na.Ka.No.Pame/Aa1/5181/2023 dated 25.10.2024, quash the same and consequently refrain the respondents from making verification into the petitioner's community after compulsory retirement.

2. (a) It is averred in the writ petition that the petitioner belongs to Hindu Konda Reddy community which is classified as a Scheduled Tribe community and such certificate was issued by the Tahsildar, Thuraiyur dated 05.08.1977.



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(b) The petitioner was appointed as Clerk in Canara Bank in the year 1985 by duly producing the certificate to the employer. The petitioner was given promotion upto the level of Chief Manager.

© It is the grievance of the petitioner that his community certificate was referred to 1st respondent for verification who in turn referred the same to 3rd respondent. It is also stated by the petitioner that regarding sanction of loan by the petitioner to his wife, two charges have been framed against the petitioner and major punishment viz., Compulsory Retirement from Service was awarded on 02.07.2024.

(d) It is the further grievance of the petitioner that the Bank refused to settle the petitioner's terminal benefits stating that verification of petitioner's social status is pending before the respondent-Tribal Welfare Department.

3. The learned counsel for the petitioner contends that there is inordinate delay in every stage of enquiry and furnishing report on the part of the respondents in respect of verification of community certificate of the petitioner.



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4. At the time of admission of this matter, interim injunction restraining the respondents from proceeding further with the enquiry pursuant to the impugned show cause notice dated 25.10.2024 was ordered.

5. This court observed that “the employer sought for verification of the certificate issued to the petitioner vide its communication dated 21.04.2015; nearly after two years on 09.08.2017, the Adi Dravidar and Tribal Welfare Department referred the issue to the Deputy Superintendent of Police, SC & ST Vigilance Cell, Tiruchirapalli, seeking a report; the said officer seems to have submitted a report nearly after six years on 10.07.2023; based on that report, impugned show cause notice is issued to the petitioner a year and three months thereafter on 25.10.2024; we find that the proceedings for verification has been designedly delayed by the respondents, hence there will be an order of interim injunction restraining the respondents from proceeding further with the enquiry pursuant to the impugned show cause notice dated 25.10.2024, until further orders. “

6. A perusal of the typed set of papers would go to show that on 02.07.2024, the petitioner has been issued with proceedings by the General



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Manager, Disciplinary Authority, Canara Bank, whereby he has been awarded punishment of Compulsory Retirement as envisaged under Regulation 4(h) of the Canara Bank Officer Employees' (Discipline and Appeal) Regulations, 1976.

7. Subsequently, by letter dated 16.08.2024, the Manager (HRM Section), Canara Bank, addressed to The Chairman, State Level Caste Scrutiny Committee and Secretary, Adidraavidar and Tribunal Welfare Department, Secretariat, sought to send the report early in respect of verification of the case certificate to enable the Bank to proceed further in the matter.

8. 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'.”

9. The Hon'ble Supreme Court, in the case of *Kumari Madhuri Patil vs. Additional Commissioner*, reported in 1995 AIR 94, insisted that the community



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certificate in respect of SC/ST should be scrutinised at the earliest.

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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:

“...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.”



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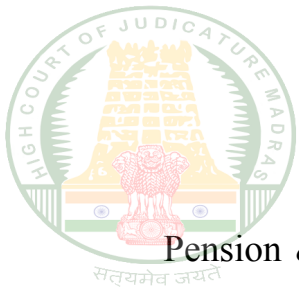
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11. The above referred Office Memorandum makes it very clear that community certificates of employees, who were inducted into Government Service after 1995 can alone be subjected for scrutiny / verification. To be more precise, it is incumbent on the 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. In an another Office Memorandum dated 30.11.2021, issued by the Government of India, Ministry of Personnel, PG & Pensions, Department of



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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.

14. 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 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.”

15. 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



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for completion of such verification.

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16. In this case, the employer sought for verification of the certificate vide its communication dated 21.04.2015. The Anthropologist, Tribal Research Centre, by communication dated 06.10.2021 addressed to The Deputy Superintendent of Police, Social Justice and Human Rights, Trichy District, concluded that the cultural factors expressed by the petitioner does not confirm that he belongs to Kondareddis (ST) community.

17. After enquiry, impugned notice dated 25.10.2024 has been issued to the petitioner seeking written explanation which is sent to the petitioner after 9 years and that too after he retired from service.

18. 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.

19. The learned counsel for the petitioner would state that the petitioner



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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 05.08.1977 for himself or to his children at any point of time in future.

20. Considering the facts and circumstances of the case and in the light of the decisions of the Apex Court referred to supra, we are inclined to set aside the impugned order dated 09.08.2017 and impugned notice of the 3rd respondent dated 25.10.2024. Accordingly, the impugned orders dated 09.08.2017 and 25.10.2024 are hereby set aside. The Writ Petition is allowed

on the following directions:-

(i) The petitioner shall surrender his community certificate (*if not already surrendered*) to the concerned Officials on due acknowledgment. ***The undertaking given by the petitioner dated 09.06.2025 that he will not utilize the said certificate dated 05.08.1977 for himself or his children at any point of time in future, is hereby recorded.***

(ii) 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



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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.)

09-06-2025

nvsri

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

nvsri

To
1. The Principal Secretary To Government
Adi Dravidar And Tribal Welfare (cv3) Department,
Secretariat, Chennai-09.
2. The Chairman



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State Level Scrutiny Committee , Additional Secretary To Government, Adi
Dravidar And Tribal Welfare (cv3) Department, Secretariat, Chennai- 09.

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3. The Director
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