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WP.No.37975 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.37975 of 2024

and

W.M.P.Nos.41063 & 41065 of 2024

A.Narasimharaj
S/o M.Annamalai.

...Petitioner

Vs.

1. State Level Scrutiny Committee-I,
represented by its Chairman,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat,
Chennai - 9.

2. The Director of Tribal Welfare Department,
Chepauk,
Chennai - 600 005.

3. The Government of India,
Ministry of Defence,
Department of Defence Production,
Directorate of Ordinance (C&S),
Field Unit Avadi, HVF Campus,
Avadi, Chennai - 600 054.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari to call for the records pertaining to the impugned order in Proceedings No.14978/CV-4(1)/2016-6 dated



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15.10.2024 on the file of the respondent No.1 and quash the same as illegal.

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For Petitioner : Mr.N.Naganathan

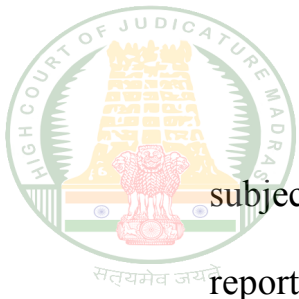
For Respondents : Mr.Vadivel Deenadayalan,
Additional Govt.Pleader for R1 & R2

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed, challenging the impugned Proceedings No.14978/CV-4(1)/2016-6 dated 15.10.2024 of the 1st respondent, by which, the community certificate of the petitioner was cancelled.

2. The case of the petitioner is that he belongs to Konda Reddy community, which is classified as Scheduled Tribe (ST). He was issued with Konda Reddy Community Certificate by RDO Mettur Dam on 27.10.1988, which was counter signed by Taluk officials and was issued in the prescribed format on the very same day. Subsequently, he was appointed on compassionate ground in Group 'D' post on 30.06.1995. Only after verification of his records, his service was confirmed. Thereafter, his brother was appointed as Machinist under ST reserved quota in 2003 in the Ordinance Factory, Tiruchirappalli. His brother's community certificate was referred to the State Level Scrutiny Committee by the Ordinance. The petitioner's community certificate was also

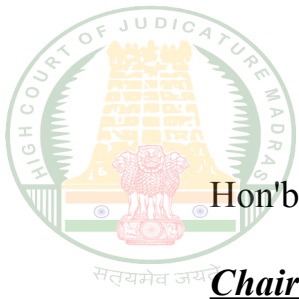


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subjected to scrutiny. Without conducting proper enquiry, a negative report was sent to the District Collector, Salem by the RDO, Mettur Dam on 13.07.2005, who is not a competent authority. The petitioner and his brother challenging the said report in W.P.No.32032 of 2005 before this Court and the said writ petition was disposed of on 05.11.2019. Thereafter, the petitioner never received any communication from the 1st respondent for verification of his social status. But all of a sudden, without following due procedure as contemplated in *Kumari Madhuri Patil case*, the 1st respondent cancelled the petitioner's community certificate, vide proceedings dated 15.10.2024, and the 1st respondent has also cancelled the community certificates issued to the petitioner's family members. Aggrieved by the cancellation of his community certificate, the petitioner is before this Court.

3. Learned counsel appearing for the petitioner submitted that when the genuineness of the petitioner's community certificate as belonging to the 'Konda Reddy' Scheduled Tribe Community Certificate was issued by RDO, Mettur Dam on 27.10.1988 vide Certificate No.3888823 which was counter signed by the Taluk officials and the same was issued in the prescribed format on the same day, the first respondent could not reopen the issue after a lapse of more than two decades.

4. Learned counsel for the petitioner relying on the judgment of the



Hon'ble Supreme Court in the case of **J.Chitra Vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and Others**

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reported in **(2021) 9 SCC 811**, submitted that there cannot be repeated verification of the community certificate, particularly when the confirmation order of the District Collector dated 26.12.2002 remained unchallenged.

5. The learned Additional Government Pleader contended that only after proper verification of the petitioner's social status and finding that the community certificate issued to the petitioner was not genuine, the same was cancelled.

6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

7. It is seen from the records that the petitioner's father was working in the Ordinance Factory, Tiruchirapalli from 1976 to 1994. He died, while he was in service. Thereafter, the petitioner was appointed on compassionate ground in Group 'D' post on 30.06.1995. Therefore, questioning his community certificate, after a long time, that too, after a lapse of two decades is uncalled for.

8. The short point for consideration involved in this case is whether the 1st respondent could reopen the verification of the community



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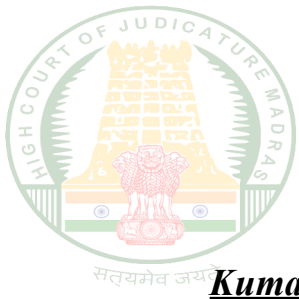
certificate of the petitioner, while the community certificate was issued by the RDO, Mettur Dam as early as on 27.10.1988, who is the competent authority at the relevant point of time and the genuineness of the caste certificate issued to the petitioner remains unchallenged. It is seen that at the time of appointment, only after verification of all the certificates including the community certificate of the petitioner and finding that the the certificate produced by the petitioner is genuine, the petitioner was appointed and thereafter, his appointment was confirmed.

9. It is relevant to point out that 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'.”

10. In yet another case, 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 closure of the proceedings. Accordingly, the Special leave Petition stands disposed of.”



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11. The decision rendered by the Supreme Court in the case of **Kumari Madhuri Patil vs. Additional Commissioner**, reported in **1995 AIR 94** weighs much importance in the case on hand, had elaborately dealt with the issue of community certificate and observed that as per Article 15(4) of the Constitution of India, it is for the State to make special provisions for advancement of Scheduled Castes and Scheduled Tribes. Further, it was observed that in the light of Article 16(1), equality of opportunity to all citizens in matters of appointments to an office or a post under the Union or a State Government or public undertakings etc., should be ensured. For that purpose, Article 16(4) empowers the State to make provisions for reservation of appointments or posts in favour of classes of citizens not adequately represented in the services under the State. The Hon'ble Supreme Court, in the said judgment while issuing certain guidelines, insisted that the community certificate in respect of SC/ST should be scrutinised at the earliest. For the sake of convenience, relevant paragraphs of the judgment are reproduced below:

“It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-



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Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates.

In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from



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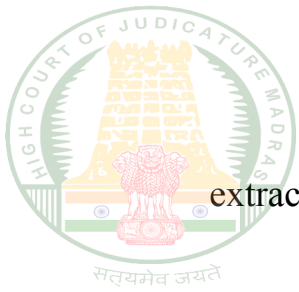
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which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any, would be made within two weeks from the date of the receipt of the notice and in no case on request not more than 30 days from the date of the receipt of the notice.

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, emphasizing that there is no need to verify the genuineness of the community certificate of an employee after 1995, viz., after the judgment of the *Kumari Madhuri Patil's case (supra)*. For the sake of brevity, the relevant portions of the Office Memorandum are



extracted hereunder:

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“...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.”

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.

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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:

“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.

On a reading of the aforesaid instructions, it is apparent that the Government of India is very keen in curbing the wrongful entry of an employee in the Government Service based on the fake community certificate and issued instructions to all State / UT Governments for verification of the community certificates at the earliest point of time.

15. 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



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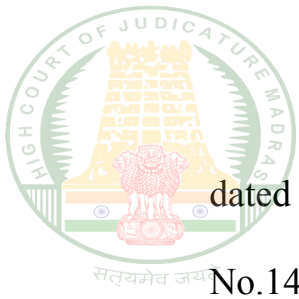
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year 1999 has not been challenged in any forum. The recognition of the community certificate issued in favour of the Appellant by the District Vigilance Committee having become final, the State Level Scrutiny Committee did not have jurisdiction to 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 inquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and 13 | P a g e 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.”

16. The aforesaid Judgments of the Supreme Court squarely applies squarely to the case on hand, which has been followed by one of us (JNB), while hearing a similar issue in W.P.No.6331 of 2020. Further, the petitioner's father died in the year 1994 while in service and the petitioner was appointed on compassionate ground in the year 1995. Therefore, we are of the view that the act of the respondent in again subjecting the certificate for scrutiny and cancelling the same cannot be accepted. Hence, we have no other option, but to set aside the impugned proceedings. Therefore, the impugned order dated 15.10.2024 of the 1st respondent is liable to be set aside.

17. Accordingly, the Writ Petition is allowed. The impugned order



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dated 15.10.2024 of the 1st respondent passed in Proceedings

No.14978/CV-4(1)/2016-6 dated 15.10.2024 is hereby set aside. No costs.

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Consequently, connected miscellaneous petitions are closed.

[J.N.B.,J.] [M.J.R.,J.]
20.06.2025

vsi

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Chairman,
State Level Scrutiny Committee-I,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingnar Maligai,
Secretariat, Chennai - 9.
2. The Director of Tribal Welfare Department,
Chepauk, Chennai - 600 005.
3. The Government of India,
Ministry of Defence,
Department of Defence Production,
Directorate of Ordinance (C&S),
Field Unit Avadi, HVF Campus,
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J.NISHA BANU,J.
AND
M.JOTHIRAMAN,J.



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