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WP.No.1053 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.1053 of 2025
and W.M.P.No.1301 of 2025

V.Rajamani,
W/o K.S.Chandrakumar

...Petitioner

Vs.

1. The Chairman,
State Level Scrutiny Committee,
Secretary to Government,
Adi Dravidar and Tribal Welfare (CV4) Department,
Secretariat, Chennai -9.
2. The Director,
Tribal Welfare Department,
Chepauk, Chennai – 600 005.
3. The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Office of the District Collector,
Salem Zone, Salem District.
4. The District Collector and Chairman,
District Level Vigilance Committee,
Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to forbear the respondents from making verification of the petitioner's community certificate dated 19.11.1978 issued by the Tahsildar, Mettur Dam or reopening verification after retirement.

For Petitioner

: Mr.N.Naganathan



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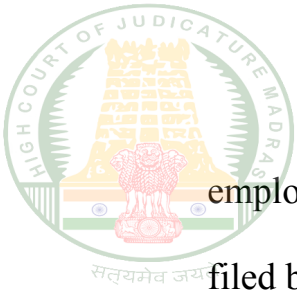
For Respondents

:Mr.Vadivel Deenadayalan,
Addl.Govt.Pleader for R1, R2 & R4
Mr.Bbu Muthu Meeran,Addl.P.P.
for R3

ORDER

This writ petition has been filed to issue a Writ of Mandamus to forbear the respondents from making verification of the petitioner's community certificate dated 19.11.1978 issued by the Tahsildar, Mettur Dam or reopening verification after retirement.

2. The case of the petitioner is that she belongs to Hindu Konda Reddy community, which is classified as 'Schedule Tribe' and she was issued with such community certificate by the Tahsildar, Mettur Dam on 19.11.1978. Her close relatives have also been issued with same certificates by the Revenue Authorities. While being so, the petitioner was appointed in the post of Clerk in Bank of Baroda on 21.12.1984 under the reserved quota for ST category and her service was confirmed during June,1985. After completion of 38 years of unblemished service, she attained superannuation on 30.04.2022. Due to the pendency of verification of the petitioner's social status by the respondents, the petitioner was sanctioned only with provisional pension. The other retirement benefits like gratuity and 6 months salary were withheld by the



employer. Aggrieved against the same, the present writ petition has been filed by the petitioner.

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3. Today, when the case is taken up for hearing, the learned counsel for the petitioner submitted that even though the petitioner got retired from service in the year 2022 itself, till date, she has been suffering continuously, without receiving her retirement benefits. It is the specific contention of the learned counsel for the petitioner that she has not received any communication from the respondents, with regard to verification of her community status from 2005 to 2022.

4. The main grievance of the petitioner is that the petitioner may not be put in an agony of participating in the enquiry at this belated point of time after her retirement. The learned counsel also submitted that the petitioner is willing to give an undertaking that she will not claim any benefits of such community certificate for any of her children.

5. Heard the learned counsel for the petitioner and perused the records placed before this Court.

6. As per the judgment of the the Hon'ble Supreme Court in the



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case of **Kumari Madhuri Patil vs Addl. Commissioner** reported in 1994

SCC (6) 241, a community certificate issued before the year 1995 cannot be reopened. It is also pertinent to point out that the Hon'ble Apex Court and various High Courts have time and again stressed that verification after retirement is a wasteful exercise and would be purely academic. In similar circumstances, in SLP(C) No.24458/2019 dated 03.03.2023, the Hon'ble Apex Court has held as follows:

“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.”

7. This Court perused the undertaking affidavit filed by the petitioner herein. The relevant paragraph is extracted hereunder:

“4. I submit that I filed a WP.No.1053 of 2025 before this Hon'ble Court seeking to forbearing the respondents from making verification of my community certificate. I got retired from service in way back in the year 2022 and I have been suffering continuously for all these periods. Therefore, I hereby sincerely given an undertaking that I shall not utilise my ST community certificate dated 19.11.1978 for myself or my children at any point of time in future.”



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8. Therefore, it is seen from the records that the petitioner retired from service three years ago and she was sanctioned provisional pension only. At this stage, verification of her community status is uncalled for. The Government of India have issued guidelines periodically mandating all employers and authorities to undertake verification at the earliest point of time preferably at the time of one's entry into service. In the present case, the petitioner has completed 38 years and retired from service on 30.04.2022.

9. Considering the fact that the petitioner had already retired from the service as early as on 30.04.2022 and that she has also filed an affidavit of undertaking that she will not utilize her ST community certificate dated 19.11.1978 for herself or her children at any point of time in future and in the light of the above mentioned decision of the Hon'ble Apex Court, this Court is inclined to allow the writ petition. Therefore, recording the affidavit of undertaking dated 07.06.2025, filed by the petitioner, this Writ Petition is Allowed. The respondents are directed, not to make verification of the petitioner's community certificate dated 19.11.1978 issued by the Tahsildar, Mettur Dam. The affidavit of undertaking shall form part of this order. The petitioner is directed to surrender her community certificate to



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the concerned authority within a period of two weeks from today. No costs. Consequently, connected miscellaneous petition is closed.

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10. Post the matter 'for reporting compliance' on 26.06.2025.

[J.N.B.,J.] [M.J.R.,J.]
12.06.2025

vsi
Speaking order/Non-speaking order
Neutral Citation: Yes/No

Note: Issue order copy on 19.06.2025

To

1. The Chairman,
State Level Scrutiny Committee,
Secretary to Government,
Adi Dravidar and Tribal Welfare (CV4) Department,
Secretariat, Chennai -9.
2. The Director,
Tribal Welfare Department,
Chepauk, Chennai – 600 005.
3. The Deputy Superintendent of Police,
SC/ST Vigilance Cell, Office of the District Collector,
Salem Zone, Salem District.
4. The District Collector and Chairman,
District Level Vigilance Committee,
Salem District



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

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