



W.P.(MD)No.191 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.P.(MD)No.191 of 2013
and
M.P.(MD)No.2 of 2013
and
W.M.P.(MD)No.3141 of 2022**

D.Subburoyal

... Petitioner

Vs.

1.The Chairman,
District Level Vigilance Committee
and District Collector,
Kanyakumari District,
Nagercoil.

2.The General Manager,
Canara Bank,
Circle Office,
St.Mary's Complex,
East Veli Street,
Madurai - 625 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the



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records pertaining to the issuance of the impugned orders in proceedings No. J4/51464/2007 dated 16.11.2012 of the 1st respondent herein and the consequential order in Ref. MDUC: HRM/4339/2012 dated 12.12.2012 of the 2nd respondent herein and quash the same.

For Petitioner : Mr.B.Saravanan, Senior Counsel,
For Mr.J.Parekhkumar

For Respondents : Mr.A.Baskaran,
Addl. Government Pleader for R1.
Mr.C.Godwin,
Standing Counsel for R2

ORDER
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.What is in a name is a rhetorical question posed by the Bard in “Romeo and Juliet”. He answers that a rose would smell as sweet even if called by any other name. What applies to names may not apply to spellings. Not only numerologists but even anthropologists would vouchsafe for this. The case on hand is an illustration. The spelling of Kavara and Gavara differ very slightly. The first letter alone is different.



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But this solitary distinction would make a ocean of difference to one's community status and identity. Kavara is a notified Scheduled Caste. Gavara is a Backward Class community.

3.The writ petitioner hails from Sengottai. He joined Canara Bank at Meenakshipuram Branch, Nagercoil in the year 1987 as a Peon. He gained entry into the banking service on the basis that he belonged to Hindu Kavara (SC community). He furnished community certificate dated 12.11.1987 issued by the Tahsildar, Agastheeswaram Taluk. The certificate was sent for verification. The District Collector, Kanyakumari vide order 14.02.1990 cancelled the community certificate issued in favour of the writ petitioner. The writ petitioner thereupon filed W.P.No.13778 of 1997 challenging the said cancellation order. The writ petition was allowed on 29.06.2004 and the matter was remanded. Once again, an order of cancellation was passed. Questioning the same, the writ petitioner filed W.P.(MD)No.6299 of 2007. The said writ petition was allowed on 08.09.2009 and the matter was remanded for the second time.



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4.Pursuant thereto, the District Level Vigilance Committee, Kanyakumari after holding enquiry vide proceedings dated 16.11.2012 rejected the writ petitioner's claim that he belongs to Hindu Kavara (SC community) and declared him as Hindu Gavara (BC community). Based on this development, the employer terminated the writ petitioner from service on 12.12.2012. Challenging both these orders, this writ petition has been filed.

5.The learned Senior Counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned orders and grant relief as prayed for.

6.Per contra, the learned Additional Government Pleader for the first respondent submitted that the writ petitioner speaks Telugu and not Tulu. According to him, to a Hindu Kavara (SC), Tulu would be the mother-tongue. Such is not the case here. That is why, the District Level Vigilance Committee rightly rejected the writ petitioner's claim. He also would point out that while Hindu Kavaras were traditionally engaged in



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the avocation of basket making, the petitioner's forefathers hailed from Andhra and were trading in cattle and bangles. Hence, the writ petitioner's claim was not accepted.

7.The learned standing counsel for the bank submitted that this Court ought not to pay much importance to the fact that the writ petitioner's father was also issued Hindu Kavara community certificate. He relied on the decision of the Hon'ble Supreme Court reported in **(2008) 9 SCC 54 (Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar)** and the decision of the Hon'ble Division Bench reported in **2012 Writ L.R. 474 (P.Vinoth Vs. The Sub-COLlector, Ranipettai)**.

8.We carefully considered the rival contentions and went through the materials on record. If one belongs to Hindu Gavara community, he enjoys BC community status. If one is a Hindu Kavara, then he is conferred with SC community status. The petitioner claims that he belongs to Hindu Kavara community. The stand of the authority is that the petitioner belongs to Hindu Gavara community.



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9.The writ petitioner's father / Duraiswamy was in postal service.

He joined as a Postman and retired in the year 1983. Copy of the certificate dated 31.05.1961 issued by the Tahsildar, Agastheeswaram stating that he belongs to Hindu Kavara community has been enclosed in the typed set of papers. Thus, the writ petitioner can be said to have discharged the initial onus cast on him. If an applicant makes a claim for the very first time that he belongs to a particular community, then the onus will be entirely on him to show that he belongs to that community. But where the claimant's father himself was issued with a community certificate and the writ petitioner was also issued with a similar community certificate, then when the matter is sent for verification of its genuineness, the certificate-holder cannot be expected to do anything more. If the authority is of the view that the claim is incorrect, then the onus will shift to the authority.

10.In the affidavit filed in support of the writ petition, the petitioner had made the following averments:-

“14.The petitioner submits that after submitting his explanations, the petitioner was directed to appear before the 1st respondent committee several occasions and the petitioner



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also appeared before them each and every hearing but without conducting any enquiry, the petitioner was sent back. All of sudden, the petitioner was called for an enquiry on 16.11.2012 through the 1st respondent's office notice dated 11.11.2012. On that day, when the petitioner appeared before the committee, one of the member available there asked some questions and recorded the same. To the shock and surprise of the petitioner, the petitioner has received the impugned order dated 16.11.2012 on 21.11.2012. In which, the 1st respondent has rejected the petitioner's claim of Scheduled Caste and cancelled the certificate already issued to him in erroneous view.”

11.The writ petitioner does not appear to be a well educated person. The learned counsel on record informs the Court that he had studied only upto 11th Standard. He had joined Canara Bank only in the last grade as a Peon. The District Level Vigilance Committee is headed by the District Collector himself. The District Collector has gone by the book authored by Thurston. This book was published in the year 1909. It is still referred to as a standard reference book. The writ petitioner was examined some time in the year 2012. His father all along served in postal service. Obviously, the family would have been transferred from place to place. When the writ petitioner is a son of a government



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employee, it is ridiculous to expect him to follow or even know about the traditional calling of his caste. According to the reference book relied on by the Committee, Kavara community was engaged in basket making. Since the writ petitioner stated during enquiry that his ancestors were engaged in trading ie., selling bangles and dealing in cattle, the authority came to the conclusion that the petitioner is not a Kavara but a Gavara. Such a conclusion is ridiculous. Ever since the onset of the British Rule, people have been shedding their traditional occupations and shifting to other professions. These sociological changes have been happening over the past two centuries and more. The writ petitioner's father was a government employee. The writ petitioner cannot be expected to have knowledge about his ancestors' avocation. Therefore, arriving at a conclusion regarding the writ petitioner's community status on the basis of some answers given by him in this regard does not appear to be a sound logical deduction.

12.Secondly, from the fact that the writ petitioner was speaking Telugu or that his father hailed from Tuticorin, the authority could not have come to the conclusion that the writ petitioner was a Gavara and not



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a Kavara. Owing to migration and sociological changes and generational differences, the original language spoken might as well have been lost.

In such circumstances, the proper course to adopt is whether the applicant's father's certificate is still holding good or it has been cancelled. That would be the safest yardstick. It is relevant to note that the writ petitioner's father's certificate was issued way back in the year 1961 by the jurisdictional authority. It had not been cancelled till date. Therefore, we would rather go by what the Hon'ble Supreme Court held in the case of *State of Bihar and Others Vs. Sumit Anand* reported in **(2005) 12 SCC 248**. The Hon'ble Supreme Court in the said decision held that where the father / grandfather have been issued with a community certificate, a different stand cannot be adopted in the case of their son/grandson.

13.It is true that a contra note has been struck by the Hon'ble Supreme Court in the decision reported in **(2008) 9 SCC 54 (Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar and Others)** Paragraph No.27 of the said decision reads as follows:-



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“27.We do not mean to suggest that an opinion formed by the Committee as regards the caste of the near relative of the applicant would be wholly irrelevant, but, at the same time, it must be pointed out that only because, by mistake or otherwise, a member of his family had been declared to be belonging to a member of the Scheduled Tribe, the same by itself would not be conclusive in nature so as to bind another Committee while examining the case of other members of the family at some details. If it is found that in granting a certificate in favour of a member of a family, vital evidences had been ignored, it would be open to the Committee to arrive at a different finding.”

From the above, we only come to the conclusion that the father's certificate need not be taken as conclusive but then, it would definitely be a relevant material. We are of the view that nothing stopped the authority from proceeding to cancel the writ petitioner's father's certificate. Having not done so, it is too late in the day to upset the community status originally ascribed to the writ petitioner.



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14.In this view of the matter, we set aside the impugned orders and allow this writ petition. No costs. Consequently, connected miscellaneous petitions are closed.

**(G.R.S. J.) & (R.K.M. J.)
16.12.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias/skm

To:

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and District Collector,
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