

W.P.(MD)No.5929 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON	:	30.04.2025
PRONOUNCED ON	:	22.08.2025

CORAM:

THE HONOURABLE MRS. JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5929 of 2025
& W.M.P.(MD) No.4334 of 2025

S.Santhi

... Petitioner

Vs.

1. The Deputy Superintendent of Police
Social Justice and Human Rights,
Division, Madurai Zone, No.8,
Special Cell Sub-Inspector's Old Quarters,
Back Side of Thallakulam Police Station, Thallakulam
Madurai 2

2. The State Level Scrutiny Committee III
rep., by its Chairman,
Adi-Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat, Chennai 600 009.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records of the proceedings dated 21.01.2025 of the first respondent and quash the order passed therein and subsequently, forbear the respondents from conducting or reopening the enquiry of her community certificate.

For Petitioner : Mr.R.Murali

For R1 : Mr.A.Albert James,
Government Advocate

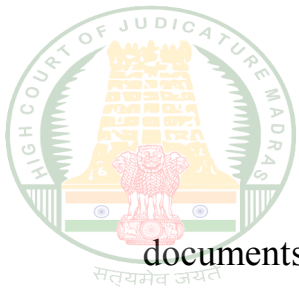
For R2 : Mr.J.Ashok,
Additional Government Pleader.

ORDER

(Order of the Court was delivered by **J.NISHA BANU, J.**)

Seeking to quash the impugned order, dated 21.01.2025 passed by the first respondent, the petitioner has filed the present writ petition.

2. The facts of the case is that the petitioner's family belongs to Konda Reddis (ST) community, which falls under the category of 'Schedules Tribes' as per the Constitution (Scheduled Tribes) Order, 1950. She was issued with such community certificate on 30.04.1984 by the Tahsildar, Usilampatti. She had also obtained one another community certificate from the Collector's office, Madurai in the year 1988, which is also supported by school records and ancestral

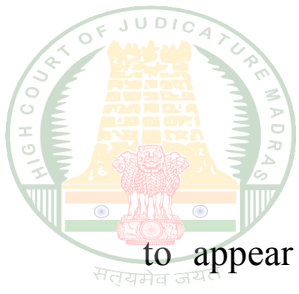


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documents. The petitioner's father has obtained his community certificate as early as in the year 1953 and his school records also disclose that he belongs to Konda Reddis (ST) community. In the year 1988, the petitioner got selected and was appointed as a clerk at Canara Bank. At the time of appointment, the petitioner's community certificate was verified and acted upon, after which, the service of the petitioner got confirmed. Later, the petitioner got promoted as Officer and thereafter as Manager.

3. It is averred from the writ petition, that after rendering several years of service by the petitioner in the Bank, at the instance of an anonymous complaint received against the petitioner, as early in the year 1997, an enquiry was conducted and an adverse order came to be passed against the petitioner, but the same was set aside by this Court. That being so, in the year 2018, the first respondent herein has attempted to conduct an enquiry once again. Against which the petitioner has filed a writ petition in W.P.No.9241 of 2018, which came to be dismissed along with a batch of writ petitions on the ground that the Chairman of the State Level Scrutiny Committee is the competent authority to refer the matter for verification of the community certificate.

4. In continuance of the above order, now the first respondent has sent the impugned communication dated 21.01.2025 calling upon the petitioner herein



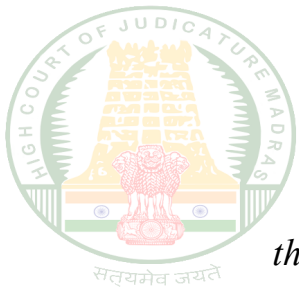
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to appear for an enquiry regarding the verification of the genuiness of the community certificate. Aggrieved against the same, the petitioner has approached this Court by way of filing the writ petition.

5. The main grievance of the petitioner is that the Hon'ble Supreme Court in Civil Appeal No.2502/2022 has held that, in the event of the scrutiny committee after holding that the enquiry is not satisfied with the materials used, only thereafter, the community certificate can be referred to the vigilance cell for verification by recording number of reasons. By following the above principle of law, this Court in W.P.No.32212/2022 has held as follows :

*“Thereafter, the first respondent shall pass appropriate orders, within a period of four weeks. We consider it appropriate to refer here to the Judgment of the Hon'ble Supreme Court in the case of **MAH. ADIWASI THAKUR JAMAT SWARAKSHAN SAMITI versus THE STATE OF MAHARASHTRA & ORS.** reported in **2023 LiveLaw (SC) 241**, wherein the Hon'ble Supreme Court categorically held that:*

“Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with



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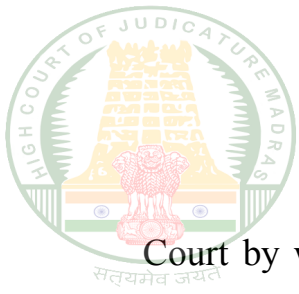
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the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.”

10. The first respondent is directed to follow the aforesaid Judgment of the Hon'ble Supreme Court in it's letter and spirit. We hope that the respondent would not unnecessarily drive the petitioner to further litigation.”

6. Moreover, the learned counsel for the writ petitioner submitted that this Court in W.P.No.637/2019, by placing reliance upon the Government of India's Office Memorandum dated 25.05.2005, has held that the community certificates of individuals, who were appointed prior to 1996, should not be sent for verification. In the present case on hand, the petitioner was appointed as early as in the year 1988, based on her community certificates obtained during 1984 and 1988. Therefore, according to the learned counsel for the petitioner, initiating an enquiry on the same is bad in law and hence prayed for allowing the petition.

7. Per contra, Mr.A.Albert James, learned Government Advocate submitted that the first respondent herein has merely sent a summon calling for the petitioner to attend the enquiry as to verify the genuiness of her community certificate. But the petitioner without attending the same, has approached this



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Court by way of filing this writ petition and hence, prayed for dismissal of the same.

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8. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

9. Admittedly, the petitioner, who was appointed in the year 1988 as Clerk in the Bank is on her verge of retirement, i.e. 2026. Earlier in the year 1997, when the community certificate of the petitioner was subject to enquiry, the output of the same was in favour of the petitioner. That being so, without citing any proper reasons to re-enquire the genuineness of the certificate, the first respondent cannot call for further explanation or enquiry. This Court has already observed the above said principle in W.P.No.32212 of 2022 vide its order dated 12.12.2023, wherein the relevant paragraphs are extracted hereunder:-

*“9..... We consider it appropriate to refer here to the Judgment of the Hon-ble Supreme Court in the case of **MAH. ADIWASI THAKUR JAMAT SWARAKSHAN SAMITI versus THE STATE OF MAHARASHTRA & ORS.** reported in 2023 **LiveLaw (SC) 241**, wherein the Hon-ble Supreme Court categorically held that:*



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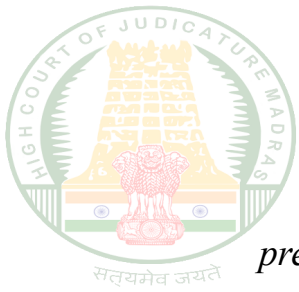
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?Only when the Scrutiny Committee after holding an enquiry is not satisfied with the material produced by the applicant, the case can be referred to Vigilance Cell. While referring the case to Vigilance Cell, the Scrutiny Committee must record brief reasons for coming to the conclusion that it is not satisfied with the material produced by the applicant. Only after a case is referred to the Vigilance Cell for making enquiry, an occasion for the conduct of affinity test will arise.?

10.The first respondent is directed to follow the aforesaid Judgment of the Hon-ble Supreme Court in it-s letter and spirit. We hope that the respondent would not unnecessarily drive the petitioner to further litigation.”

10. Further in W.P.No.29351 of 2023, dated 18.04.2024, this Court has observed as follows:-

*“15. The service rule contemplates immediate verification of the truthfulness of caste claims for appointments made on reservations to the vulnerable communities. It directed completion of the verification about the veracity of caste/community certificate within 2 months. The Hon-ble Supreme Court of India, in the judgment [**R.Sundaram vs. Tamil Nadu State Scrutiny Committee reported in 2023 SCC Online SC 287**] has held that the exercise of verification of community certificate must be completed expeditiously. In the*

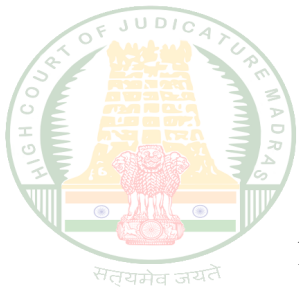


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present case, however, as has been mentioned above, there has been an inordinate and unexplained delay of 35 years, an amount of time which cannot be fathomed within the ambit of ? reasonable time?. In such view of the matter, the impugned enquiry notice issued to the petitioner, is not sustainable. Accordingly, the Writ Petition is allowed. The Enquiry notice dated 11.08.2023 is set aside. The respondent Bank is directed to disburse the terminal benefits within a period of eight weeks from the date of receipt of a copy of this order. No costs."

11. It is also pertinent to note that the petitioner has obtained appointment in the year 1988 based on the community certificates issued in the year 1984 & 1988. That being so, taking into consideration the observations made by this Court in W.P.(MD) No.637 of 2019, wherein the Division Bench has held at paragraph no.4 that repeated verifications of community certificates are impermissible and cited the Official Memorandum issued by the Government of India, dated 25.05.2005, wherein the Central Government has directed the community certificates of those persons, who were appointed prior to 1996 should not be verified. Herein the present case on hand, the petitioner has got appointed in the year 1988 and therefore, she is squarely covered by the aforesaid Official Memorandum.



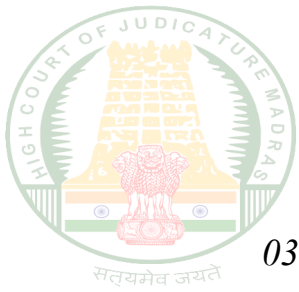
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12. This Court also perused the Circular No.12/09/20 dated 24.09.2020 issued by the Central Vigilance Commission, wherein it was observed that taking cognizance on anonymous complaints, despite strict guidelines by DoPT and CVC should be viewed seriously, and no action would be taken on such anonymous complaints against the individuals. In the present case, the start point of enquiry arose based on an anonymous complaint received against the petitioner herein. Hence, this Court deems it fit to quash the letter of the first respondent dated 21.01.2025, thereby allowing the writ petition filed by the petitioner herein.

13. Meanwhile, the learned counsel for the petitioner has filed an additional affidavit before this Court on 6.03.2025. The same is extracted hereunder:

“01. I am the petitioner herein and the petitioner in the above writ petition and as such I am well acquainted with the facts of the case.

02. I submit that none of my family members have availed the benefit of my community certificate till date. I hereby undertake that either myself or any of my family members will not avail any benefit in future by relying my community certificate.



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03. *It is therefore prayed that this Hon'ble Court may be pleased to accept my undertaking and grant the order as prayed for in the above writ petition and pass such other or further order as this Hon'ble Court may deem fit to pass under the circumstances of the case and render justice.*

14. The undertaking filed by the petitioner dated 06.03.2025 is hereby recorded. 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 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.

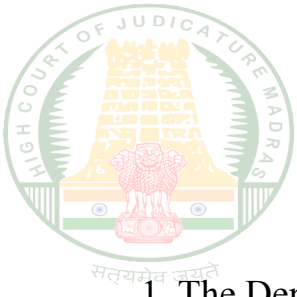
15. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

[J.N.B., J.] [S.S.Y., J.]
22.08.2025

Index : Yes / No

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To:



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2. The State Level Scrutiny Committee III
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J.NISHA BANU, J.

and

S.SRIMATHY, J.

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Pre-delivery of order made in
W.P.(MD)No.5929 of 2025

Dated:

22.08.2025