



W.P(MD)No.9378 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2025

CORAM:

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

**W.P(MD)No.9378 of 2025
and
W.M.P(MD)No.7008 of 2025**

R.Uma

... Petitioner

vs.

1.State Level Scrutiny Committee-III,
Represented by the Chairman/
Additional Secretary to the Government,
Adi Dravidar and Tribal Welfare (CV-5) Department,
Secretariat,
Chennai-600 009.

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

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Mandamus forbearing the respondents from
verifying the Petitioner's community status and drop of the enquiry in view of



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petitioner's retirement on 31.01.2022 in the light of the Judgment of the Hon'ble Madras High Court in W.P.No.106 of 2025 dated 22.01.2025 (R.Krishnaveni -Vs- The Chairman, State Level Scrutiny Committee and Secretary and another).

For Petitioner : Mr.T.Aswin Raja Simman
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition for a Mandamus, seeking to forbear the respondents from verifying the petitioner's community status and to drop the enquiry in view of the petitioner's retirement on 31.01.2022, in light of the judgment of this Court in ***W.P.No.106 of 2025 dated 22.01.2025 (R. Krishnaveni vs. The Chairman, State Level Scrutiny Committee and Secretary and another).***



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2. The case of the petitioner is that she belongs to the Kondareddis Community, which is classified as a Scheduled Tribe. She was issued a community certificate by the Tahsildar, Collector's Office, Salem District, in 1984. She was appointed as a Clerk on 20.03.1985 in the Bank of India under the quota reserved for Scheduled Tribes. The petitioner was not given promotion till 2017 and subsequently promoted as a Scale I Officer. After completing 38 years of service, the petitioner retired through Voluntary Retirement from Service on 30.11.2021, just prior to her superannuation on 31.01.2022.

3. In the year 2011, certain individuals allegedly made false complaints challenging her community status. Based on the complaints, the Bank of India requested the Sub-Collector, Namakkal, to verify the genuineness of the community certificate. The first respondent, vide communication dated 09.07.2018, directed the petitioner to appear for an enquiry. Challenging the same, the petitioner filed a Writ Petition in W.P.(MD) No.15806 of 2018 before this Court, which is still pending.

4. While the matter was pending, the petitioner opted for Voluntary



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Retirement from Service (VRS) on 30.11.2021, just prior to her superannuation on 31.01.2022, and received her terminal benefits. The Bank also disbursed her pension. The Vigilance Cell conducted an enquiry and issued an adverse report on 27.10.2023. Pursuant to the same, a show cause notice was issued to the petitioner, for which she submitted her explanations on 27.03.2024 and 10.06.2024 to the Director of the Tribal Welfare Department. Once again, the first respondent initiated an enquiry process on 05.03.2025. Hence, the petitioner has filed the present Writ Petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. The materials available on record were also perused.

6. It is evident from the records that the petitioner joined service in the Bank of India on 20.03.1985 and opted for VRS on 30.11.2021. Therefore, declaring her community certificate as not genuine after such a long period, particularly after her retirement, is unwarranted. The Government of India has issued guidelines from time to time, mandating that all employers and authorities



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verify community certificates at the earliest point, preferably at the time of entry into service. In the present case, the petitioner served for 38 years and retired through VRS on 30.11.2021.

7. It is pertinent to note that the Hon'ble Supreme Court and various High Courts have consistently held that verification after retirement is a futile and academic exercise. In similar circumstances, in SLP (C) No. 24458/2019 dated 03.03.2023, the Hon'ble Apex Court 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 appropriate to order the closure of the proceedings. Accordingly, the Special Leave Petition stands disposed of."

8. Considering the facts and circumstances of the case and in light of the above decision of the Hon'ble Apex Court, the Writ Petition stands allowed. The petitioner has also filed an undertaking affidavit dated 03.04.2025, stating that neither she nor any of her family members will avail of any future benefits



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based on her community certificate. The said affidavit is recorded. In the future, if the petitioner applies for a community certificate for her children, the concerned authorities shall examine the same independently, in accordance with law, and shall not rely upon the petitioner's community certificate. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
03.04.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

- 1.The Chairman/Additional Secretary to the Government,
Represented by the State Level Scrutiny Committee-III,
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Secretariat,
Chennai-600 009.
- 2.The Director of Tribal Welfare Department,
Chepauk,
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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 03.04.2025
(1/2)