



W.P(MD)No.9379 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.9379 of 2025
and W.M.P(MD)No.7010 of 2025**

N.Parthiban

... 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 first respondent from verifying the petitioner's community status and drop of the enquiry in view of the petitioner's retired from service on 31.10.2023 in the 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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For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mrs.D.Farjana Ghousia
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 31.10.2023, 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)***.

2. The case of the petitioner is that he belongs to the Kondareddis community, which is classified as a Scheduled Tribe. He was issued a community certificate by the Tahsildar, Thuraiyur, on 01.07.1977. He was appointed as a Clerk-cum-Assistant on 13.04.1983 in the State Bank of India under the quota reserved for Scheduled Tribes. The petitioner was not given a promotion during his service on the ground of the pendency of verification of his community status



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by the State Level Vigilance Committee. After completing 40 years of service, the petitioner retired upon reaching the age of superannuation on 31.10.2023.

3. The District Collector, Tiruchirappalli, cancelled the petitioner's community certificate dated 27.11.1987. Challenging the same, the petitioner filed a Writ Petition in W.P. No.12976 of 1987, and this Court, by order dated 24.02.1995, quashed the said cancellation and directed the District Collector to verify the statements of the villagers by examining them afresh. Challenging the order of the learned Single Judge, the State Bank of India preferred Writ Appeals in W.A. Nos.1460 to 1476 of 1995 before this Court. By order dated 08.01.1996, this Court directed the District Collector, Tiruchirappalli, to decide the issue, furnish the documents relied upon to the applicant, and complete the proceedings within a period of six months. Challenging the said order, the Bank preferred a Special Leave Petition before the Hon'ble Apex Court in S.L.P. (Civil) No.21795 of 1996 etc., which was dismissed on 17.10.1997, remanding the matter back to this Court to pass fresh orders. This Court set aside the order of the District Collector dated 27.11.1987 and remitted the matter to the first respondent on 12.09.2007.



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4. The first respondent issued a notice to the petitioner dated 24.01.2022 to substantiate his claim, and the petitioner submitted a detailed reply on 07.08.2022. Even after the passage of more than three years, no orders have been passed by the first respondent. Hence, the petitioner filed a Writ Petition in W.P. No.6586 of 2023 before this Court seeking confirmation of his services from the date of his initial appointment, i.e., on 13.04.1983, with all consequential benefits, and the same is pending. In the meantime, the Bank permitted the petitioner to retire from service on 31.10.2023. Since the first respondent has not taken any decision regarding the status of his community and he has already retired from service, the belated enquiry amounts to harassment. The petitioner, therefore, sent a representation dated 24.03.2025 to respondents 1 and 2, requesting them to drop further action.

5. While so, the Vigilance Cell conducted an enquiry and issued an adverse report on 24.01.2022. Pursuant to the same, a show cause notice was issued to the petitioner, for which he submitted his explanation on 07.03.2022 to the Director of the Tribal Welfare Department. Once again, the first respondent



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initiated an enquiry process on 05.03.2025. Hence, the petitioner has filed the present Writ Petition.

6. 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.

7. It is evident from the records that the petitioner joined service in the State Bank of India on 13.04.1983 and was permitted to retire from service on 31.10.2023. The Government of India has issued guidelines from time to time, mandating that all employers and authorities verify community certificates at the earliest point, preferably at the time of entry into service. In the present case, the petitioner served for 40 years and was permitted to retire from service on 31.10.2023.

8. 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:



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“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.”

9. 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 he nor any of his family members will avail any future benefits based on his community certificate. The said affidavit is recorded. In the future, if the petitioner applies for a community certificate for his 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
(2/2)

NCC : Yes / No
Index : Yes / No



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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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- 2.The Director of Tribal Welfare Department,
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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
W.P(MD)No.9379 of 2025

DATED : 03.04.2025
(2/2)