BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON: 17.12.2024

DELIVERED ON: 28.01.2025

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD).No.13420 of 2019
and
W.M.P.(MD).Nos.9996 and 18147 of 2019

S.Kalai Selvi ... Petitioner

Vs.

1.The Tamil Nadu State Level
Scrutiny Committee II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat,
Chennai – 600 009,
Rep. by its Chairman.

2.The Additional Commissioner,
Income Tax Department,
No.121, Nungambakkam High Road,
Chennai - 600 034. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relates to the impugned order passed by the 1st respondent in his proceedings No.21000/CVIII/2007-13, dated 24.05.2019, quash the same.

For Petitioner	:	Mr.D.Sivaraman
For R-1	:	Mr.S.R.A.Ramachandran Additional Government Pleader
For R-2	:	Mr.V.Vijayshankar

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The present Writ Petition is filed, challenging the impugned order passed by the first respondent in his proceedings No.21000/CVIII/2007-13, dated 24.05.2019.

2. The petitioner herein was issued with a community certificate dated 28.04.1993, certifying that she belongs to Hindu Konda Reddis community, which is recognized as a Scheduled Tribe. On the strength of her community certificate, she was appointed in the Income Tax Department in the year 1995. Thereafter, the genuinity of her community certificate was enquired into by the Sub Collector, Periyakulam and through a report dated 05.11.1995, her community certificate was held to be genuine.

3. Even after the verification of her community status, the District Collector, Virudhunagar initiated an enquiry into the genuinity of her certificate, which initiation of the proceedings was quashed by this Court through orders dated 01.08.2005 passed in W.P.No.13543 of 1999 on the ground that the District Collector has no jurisdiction for conducting such a verification. Thereafter, similar verification proceedings were initiated by the District Collector of Theni District, which was also quashed through orders passed in W.P.(MD).No.7009 of 2007 dated 04.10.2007 on the ground of incompetency of the authority. Once again, the Revenue Divisional Officer, Periyakulam had initiated further enquiry for community verification, which was closed after the petitioner had given a reply, enclosing the details of her family background, employment of her father in the Public Works Department, community certificates of her father and relatives, school records evidencing her community as Konda Reddis and other documentary evidences.

4. However, in view of the observations made by the Coordinate Bench of this Court in the orders passed in W.P.(MD).No.7009 of 2007 dated 04.10.2007, the matter was referred to the three member State Level Committee/first respondent herein. Through the impugned order dated

24.05.2019, the State Level Scrutiny Committee had placed reliance on the reports of the Sub Collector, Periyakulam, Vigilance Cell, Theni and the report of the Anthropologist and had come to the conclusion that the petitioner herein, does not belong to Konda Reddis Scheduled Tribe community and directed the District Collector, Madurai to confiscate her community certificate. This order is put under challenge in this Writ Petition.

5. The learned counsel appearing for the petitioner submitted that the Committee had no authority to verify the genuineness of the petitioner's community status since such verification was already done in the year 1995 itself and held as genuine and further verification is impermissible in view of the decisions of the Hon'ble Supreme Court, as well as the Division Benches of this Court. He further submitted that the Service Register of the petitioner's father in the year 1959 evidences that he belongs to Hindu Konda Reddis community and so also, the certificates of his close blood relatives, which factors have not been considered by the Committee. He also placed reliance on the decisions of this Court for the proposition that the verification of the caste certificates of the employees appointed prior to 1996, cannot be done.

6. The learned Additional Government Pleader appearing for the first respondent, drew our attention to the impugned order and submitted that the procedure for verification of the Scheduled Tribe community certificate by the State Level Scrutiny Committee, was strictly followed as provided under the 'Manual on Scheduled Castes/Scheduled Tribes Community Certificates - Issuance and Verification'. According to him, the Committee had fully scrutinized the reports given by the Sub Collector, Periyakulam and Vigilance Cell, as well as the report of the Anthropologist and after considering the reply given by the petitioner to the show cause notice, had rightly concluded that her community certificate was incorrect and therefore, the Writ Petition deserves to be dismissed.

7. Pursuant to the guidelines issued by the Hon'ble Supreme Court of India in ***Kumari Madhuri Patil and another Vs. Additional Commissioner, Tribal Development and others*** reported in ***(1994) 6 SCC 241***, the Government of Tamil Nadu, through G.O(2D)No.106, Adi Dravidar and Tribal Welfare (CV-1) Department dated 15.10.2012, had issued guidelines for verification of the Scheduled Tribes caste certificates.

8. In the instant case, after the petitioner was issued with a community certificate on 28.04.1993, certifying that she belongs to Hindu Konda Reddis community, a verification of her community status was done by the Sub Collector, Periyakulam and through a report dated 05.11.1995, it was held that the claim that she belongs to Hindu Konda Reddis community is genuine. She was thereafter appointed in the Income Tax Department on 08.03.1995. The Government of India, in its official Memorandum dated 25.05.2005, had ordered that the community certificates issued to employees, who were appointed prior to 1996, should not be verified.

9. In the case of ***J.Chitra Vs. District Collector and Chairman, State Level Vigilance Committee, Tamil Nadu and others*** reported in ***(2021) 9 SCC 811***, an enquiry was conducted by the District Level Vigilance Committee, which upheld the community certificate in favour of the appellant therein. The decision of the District Level Vigilance Committee in the year 1999 was not challenged in any forum. Thereafter, based on a complaint in the year 2003, the State Level Scrutiny Committee had conducted another enquiry for verification of the appellant's community status. Pursuant to the reconstitution of the District Vigilance Committee, the matter was remanded to the District Vigilance

Committee, which cancelled the community certificate of the appellant. When the challenge reached the Hon'ble Supreme Court, it was held that the purpose of verification of caste certificates by Scrutiny Committees is to avoid false and bogus claims and repeated enquiries for verification of caste certificates would be detrimental to the members of Scheduled Castes and Scheduled Tribes and the same would be impermissible, except in cases of fraud or procedural irregularities.

10. The Hon'ble Coordinate Bench of this Court, in a very recent decision in the case of Dr.A.Anu Sujatha Vs. The State Level Scrutiny Committee, Represented by its Chairman and Secretary to the Government, Adi Dravidar and Tribal Welfare Department, Chennai and others in W.P.(MD).No.637 of 2019 dated 25.10.2024, had also reiterated this position that repeated verification of the community certificate and verifications of the community certificates of the employees, who were appointed prior to 1996, is impermissible. In the said case, the petitioner therein was issued with a community certificate, certifying that she belonged to Hindu Konda Reddi community, recognized as Scheduled Tribe. The District Collector had thereafter conducted an enquiry into the genuineness of the certificate and confirmed that the petitioner therein belonged to Hindu Konda Reddi community. The petitioner therein was then appointed in the Madras Port Trust

on 27.02.1995. While in service, her community status was once more verified by the District Collector and through a report dated 15.05.2001, her community status was confirmed. In the year 2005, when one more verification of her community status was sought for, she had preferred the Writ Petition. The Coordinate Bench of this Court, in its order dated 25.10.2024, held such repeated verifications as impermissible in the following manner:

> "*4.This Court has deprecated such repeated verifications in* ***Sathya Murthy v. Union of India and Others*** *made in* ***W.P.No. 5737 of 2022*** *and the Division Bench of this Court to which, one of us (R.Subramanian,J) was a party, has after elaborately considering the issue relating to repeated verifications of the community certificate held that such repeated verifications are impermissible. The Division Bench has also referred to the Official Memorandum issued by the Government of India, dated 25.05.2005, wherein the Central Government had directed the community certificates of those persons, who were appointed prior to 1996 should not be verified. The petitioner was appointed in the year 1995 and she is squarely covered by Official Memorandum.*"

11. In the instant case also, the petitioner's community certificate has already been verified and held to be genuine. Her appointment in the Income

Tax Department was also prior to 1996. In view of the decision in *Dr.Anu Sujatha*'s case, the State Level Scrutiny Committee would not have the jurisdiction to re-enquire into the genuineness and thus, the impugned order cannot be sustained.

12. Accordingly, the Writ Petition stands allowed and the impugned order dated 24.05.2019 on the file of the first respondent stands quashed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.)   (A.D.M.C.,J.)
28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To
1.The Chairman,
The Tamil Nadu State Level
Scrutiny Committee II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavignar Maligai,
Secretariat,
Chennai – 600 009.

2.The Additional Commissioner,
Income Tax Department,
No.121, Nungambakkam High Road,
Chennai - 600 034.

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

Order made in
W.P.(MD).No.13420 of 2019

28.01.2025