



W.P(MD)No.11615 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.04.2025

CORAM:

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

W.P(MD)No.11615 of 2025

K.Ramachandran

... Petitioner

VS.

The Chairman,
State Level Scrutiny Committee II,
Adi Dravidar and Tribal Welfare (CV2) Department,
Secretariat,
Chennai.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from conducting further enquiry in respect of the petitioner's Community Certificate pending in enquiry Letter No.1212123/CV-2/2013-5 dated 01.10.2021.

For Petitioner : Mr.R.Murali

For Respondent : Mrs.D.Farjana Ghousia
Special Government Pleader



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ORDER

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

The petitioner has filed the present Writ Petition for the issuance of a Writ of Mandamus, forbearing the respondent from conducting any further enquiry in respect of the petitioner's community certificate, which is pending enquiry in Letter No. 1212123/CV-2/2013-5 dated 01.10.2021.

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, Naguneri, on 18.12.1984. Pursuant to the said certificate, he was appointed as a Commercial Clerk on 18.12.1984 in the Railway Recruitment Board under the quota reserved for Scheduled Tribes. The petitioner retired from service upon reaching the age of superannuation in the year 2019.

3.While the petitioner was in service, due to complaints regarding his community status, the Sub-Collector, Cheranmahadevi, issued an enquiry notice dated 24.09.2002, directing him to appear for an enquiry on 28.10.2002. Challenging the said notice, the petitioner filed a Writ Petition in W.P. No. 40663



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of 2002, which was allowed by the Division Bench of this Court by order dated 26.07.2005. Subsequently, the District Level Committee, Tirunelveli, issued another enquiry notice dated 29.06.2006, calling upon the petitioner to submit his explanation. Since the relevant documents and reports were not furnished to the petitioner, he filed another Writ Petition in W.P. (MD) No. 9666 of 2006. The same was disposed of by order dated 21.12.2006, directing the authorities to provide all the relevant reports to the petitioner before proceeding with the enquiry. Thereafter, the petitioner retired from service in 2019. In 2020, the petitioner received an enquiry notice dated 01.10.2021. At the relevant point of time, due to Covid-related ailments, the petitioner sought further time. Subsequently, no further enquiry was conducted by the respondent. Now, more than six years after his retirement, the respondent is again attempting to reopen the enquiry. Hence, the petitioner has filed the present Writ Petition.

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



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5.It is evident from the records that the petitioner joined service in the Railway Recruitment Board as a Commercial Clerk on 18.12.1984 and retired from service in the year 2019. 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 in the year 2019.

6.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.”



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7.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.

In paragraph No. 4 of the affidavit filed in support of the petition, the petitioner has stated, "I hereby undertake that no one from my family will claim a community certificate under the ST category." The said statement 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.

[J.N.B.,J.] & [S.S.Y.,J.]
23.04.2025

NCC : Yes / No
Index : Yes / No
ps

To

The Chairman,
State Level Scrutiny Committee II,
Adi Dravidar and Tribal Welfare (CV2) Department,
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and
S.SRIMATHY, J.

ps

ORDER MADE IN
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