



W.P(MD)No.13645 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2025

CORAM:

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

**W.P(MD)No.13645 of 2018
and W.M.P(MD)No.12413 of 2018**

S.Seenivasagan

... Petitioner

vs.

1.The Director,
Tribal Welfare Department,
Chepauk,
Chennai – 600 005.

2.The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Madurai Region,
Madurai – 20.

... 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 conducting or re-opening the enquiry with regard to the verification of the community certificate of the petitioner, in violation of the principles laid down by the Hon'ble Supreme Court in its decision rendered in Madhuri Patil's case reported in (1994) 6 SCC 241.

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For Petitioner : Mr.S.Prem Kumar
For R - 1 : Mr.S.S.Madhavan
Additional Government Pleader
For R – 2 : Mr.A.Albert James
Government Advocate (Criminal Side)

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 conducting or re-opening the enquiry regarding the verification of his community certificate, in violation of the principles laid down by the Hon'ble Supreme Court in *Madhuri Patil vs. Additional Commissioner, Tribal Development*, reported in (1994) 6 SCC 241.

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 Revenue Divisional Officer, Cheranmahadevi, on 20.11.1976. He was appointed as a Clerk in 1978 in the Southern Railways, Loco Works Department, under the quota reserved for Scheduled Tribes. The said certificate



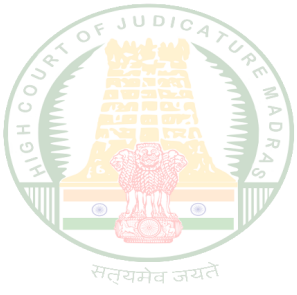
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was verified by the employer at the time of his appointment. Subsequently, his service was confirmed, and he was promoted to the post of Chief Office Superintendent. After completing 37 years of service, the petitioner retired upon reaching the age of superannuation on 30.06.2015.

3. At the verge of his retirement, certain individuals allegedly made false complaints challenging his community status. Based on these complaints, the employer sanctioned only provisional pension and withheld all other terminal benefits. Consequently, the petitioner was constrained to approach the Central Administrative Tribunal in O.A.No.369 of 2016 seeking disbursement of his terminal benefits. The Tribunal allowed the said application. However, the employer filed a writ petition in W.P. No.28497 of 2016, which is still pending.

4. Meanwhile, the first respondent, via communication dated 13.05.2016, directed the second respondent to verify the genuineness of the petitioner's community certificate. After conducting an enquiry, the second respondent submitted an adverse report to the first respondent through a letter dated 25.04.2018. Based on this report, the first respondent issued a notice dated

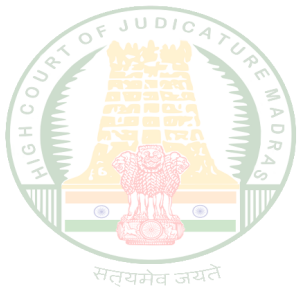


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29.05.2018, calling upon the petitioner to submit his explanation. Aggrieved by this, the petitioner has filed the present Writ Petition.

5. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent, and the learned Government Advocate (Criminal Side) appearing for the second respondent. The materials available on record were also perused.

6. It is evident from the records that the petitioner joined service in the Southern Railways in 1978 and retired on 30.06.2015. Therefore, declaring his community certificate as not genuine after such a long period, particularly after his retirement, is unwarranted. The Government of India has issued guidelines from time to time, mandating that all employers and authorities undertake community certificate verification at the earliest point, preferably at the time of entry into service. In the present case, the petitioner served for 37 years and retired in 2015.



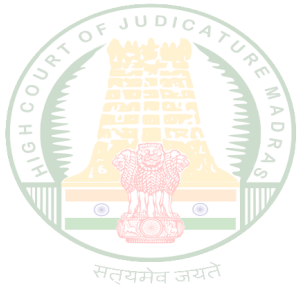
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7.It is pertinent to note that the Hon'ble Supreme Court and various High Courts have consistently held that verification after retirement is a futile and academic exercise. In similar circumstances, in SLP (C) No. 24458/2019 dated 03.03.2023, the 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 13.03.2025, stating that neither he nor any of his family members will avail of 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 the law, and



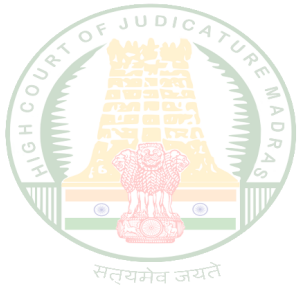
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shall not rely upon the petitioner's community certificate. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

[J.N.B.,J.] & [S.S.Y.,J.]
26.03.2025

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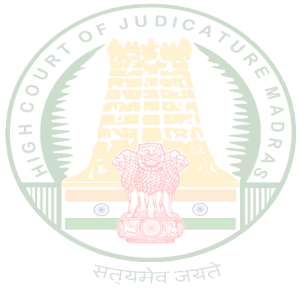


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ORDER MADE IN
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