



WP(MD). No.13649/2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 30/04/2025

Pronounced on : 18/07/2025

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

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V.Gangabai (Died)

**A.Rajagopal,
S/o.Athinarayanaraju,
No.71, Mettu Street,
Chinnakangiyanur,
Pallikondapathu Post,
Tiruvannamalai 606611.**

... Petitioner

(Petitioner is substituted vide court order dt.03.04.2025 in WMP (MD) 6537/25)

Vs.

- 1. The Deputy Secretary to Government
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai 600009.**
- 2. The Deputy Superintendent of Police,
SC/ST Vigilance Cell,
Madurai Region, Madurai 20.**
- 3) The Department of Telecommunications,
Rep. By its General Manager,**



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Government of India,
O/o the Bharat Sanchar Nigam Limited

... Respondents

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** R3 impleaded vide W.M.P.(MD) Nos.6537 & 6540 of 2025 in W.P. (MD) No.13649 of 2018 dated 03.04.2025*

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to forbear 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 and on the basis of the third party complaints by issuance of a writ of Mandamus.

For Petitioner	: Mr.S.Prem Kumar
For R1	: Mrs.D.Farjana Ghoushia, Special Government Pleader
For R2	: Mr.A.Albert James, Government Advocate

ORDER

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

The writ petition has been filed for a Mandamus to forbear 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



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rendered in *Madhuri Patil's case* reported in (1994) 6 SCC 241 and on the basis of the third party complaints.

2. The brief facts of the case are as follows:

The deceased petitioner, viz. V.Gangabai belonged to Kondareddy community and she was appointed as Clerk in the Department of Postal and Telegraph Department in the year 1982. At the time of appointment, she has produced the community certificate issued by the Tahsildar, Madurai South Taluk dated 14.10.1978. Subsequently, she produced another community certificate issued by the Revenue Divisional Officer. Only after proper verification and confirmation, she was appointed as a Clerk in the Postal Department. While so, at the time of her promotion, she was directed to produce her community certificate and hence, she has produced her community certificate dated 18.10.1993 obtained from the Revenue Divisional Officer. However, on the strength of third party complaints, a show cause notice was issued by the then District Level Vigilance Committee. Since the District Level Vigilance Committee has no jurisdiction to issue a show cause notice, the petitioner filed a writ petition in W.P.No.26577 of 2003 challenging the said show cause notice



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and this Court had granted an order of stay.

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3. Subsequently, on the strength of directions issued by the Apex Court, the Government constituted a State Level Scrutiny committee in the year 2007. In the interregnum, the petitioner retired on attaining the age of superannuation on 31.05.2011. Neither any disciplinary proceedings nor an adverse order is passed/pending against the petitioner at the time of her superannuation. Therefore, the petitioner was permitted to retire by the employee. While so, on 02.03.2016, the 2nd respondent herein was directed by the Government for conducting an enquiry with regard to the petitioner's community certificate and vide letter dated 24.01.2017, the first respondent has directed the 2nd respondent to conduct an enquiry.

4. As per the decision of the Hon'ble Supreme Court with regard to community certificate, in *Madhuri Patil's case* (1994) 6 SCC 241, the State Government has constituted a District Level Vigilance Committee in the year 1997 and subsequently, vide G.O.2(D) No.108 dated 12.09.2007 was issued thereby constituting State Level Scrutiny



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committee and District Level Vigilance committee. Thereafter vide G.O.Ms.No.106 dated 15.10.2012, a clarification has been issued with regard to conduct of enquiry in the matter of community certificate and as to how the verification should be entertained/done. However, violating the aforesaid G.Os., the first respondent had directed the 2nd respondent to conduct enquiry and the said direction is against the decision reported in ***Madhuri Patil's case*** (supra). Hence, to forbear the respondents from conducting or reopening such enquiry, the petitioner is before this Court with this writ petition.

5. Pending writ petition, the original petitioner died on 07.05.2021 and subsequently, her husband is substituted as petitioner.

6. The learned counsel for the petitioner would submit that against the decision in the case of ***Madhuri Patil's case***, the respondents have decided to conduct enquiry and the first respondent has directed the 2nd respondent to conduct enquiry with regard to the community certificate. It is the case of the petitioner that when the original petitioner has retired without any proceedings pending against her, after a period of nearly six



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years, the conduct of enquiry has been initiated and hence, the same is initiated on the ground of delay.

7. The learned counsel would further submit that when similar persons approached this Court by filing writ petitions, following the decision in *Madhuri Patil's case*, this Court directed the petitioners not to claim reservation benefit based on their community certificate in future or use the certificate as proof for their family members.

8. Following the said decision, in order to show the bona fide, the petitioner has also given an affidavit of undertaking to the effect that they will not claim any reservation or other benefits based on their community certificate in future.

9. Hence by following the said decision, the learned counsel prays for appropriate directions.

10. Per contra, the learned Special Government Pleader would submit that only based on the request of the petitioner's employer, the



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verification on the genuineness of the community certificate of the petitioner had been carried out and the entire enquiry was initiated by the State Level Scrutiny Committee following the procedures contemplated in G.O.Ms.No.108 dated 12.09.2007 and G.O.(2D).No.106 dated 15.10.2012.

11. This Court considered the rival submissions and perused the materials available on record.

12. The Apex Court in the case of ***R.Sundaram vs. The Tamil Nadu State Level Scrutiny Committee and Others*** dated 17.03.2023, in Paragraph No.16 held as follows:-

“16. It has been explicitly stated by this court that the exercise of verification of community certificate must be completed expeditiously. In the present case, however, as has been mentioned above, there has been an inordinate and unexplained delay of 19 years, an amount of time which cannot be fathomed, within the ambit of 'reasonable time'.”

13. The Supreme Court in the case of SLP(C) No.24458/2019 dated 03.03.2023, was pleased to hold as under:

“It is submitted that the respondent No.1 who served



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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 is appropriate to order for closure of the proceedings. Accordingly, the Special leave Petition stands disposed of.”

14. The Hon'ble Supreme Court, in the case of ***Kumari Madhuri Patil vs. Additional Commissioner***, reported in ***1995 AIR 94***, insisted that the community certificate in respect of SC/ST should be scrutinised at the earliest.

15. Keeping in mind the above judgment of the Apex Court, an Office Memorandum was issued on 24.12.2020 by the Joint Secretary, Lok Sabha Secretariat. The relevant portions of the Office Memorandum are extracted hereunder:

“...It is pertinent to mention that the Departments/Banks/PSUs have not adhered to the above mentioned guidelines of DoP&T and CVC and also it is not in conformity with the Hon'ble Supreme Court judgment delivered vide ***Kumari Madhuri Patil Vs. Addl. Commissioner in 1995 AIR 94, 1994 SSC (6) 241 Order dated 02.09.1994 since this judgment can only be implemented in prospective.***



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2. Here, it is pertinent to bring to your notice DoP&T OM no.230/08/2005-AVD II dated 25.05.2005, which clearly states the following:-

“Government has, therefore decided that a detailed verification of all such certificates produced before various appointing authorities since 1995 be carried. The CVOs are requested to initiate this task by collecting the details of all those who had been appointed in the Ministries/Departments or agencies including CPSUs with which they are concerned, since 1995 on the strength of ST certificates.

2. Keeping in view the above mentioned facts, it is requested that the concerned State Level Scrutiny Committee be directed to verify the ST caste certificates of only those employees who were appointed *after the year 1995 and the process of verification should be completed within two months*. The Action Taken Report in this regard may be please be forwarded to this Secretariat at the earliest but not later than 18.02.2021 so that the same may be placed before the Committee.”

16. The above referred Office Memorandum makes it very clear that community certificates of employees, who were inducted into Government Service after 1995 can alone be subjected for scrutiny / verification. To be more precise, it is incumbent on the employers / authorities to conduct verifications ideally at the time of an employee's entry into service, so as to ensure the accuracy and integrity of personnel records.



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17. In furtherance thereof, the Government of India, Ministry of Personnel, PG & Pensions, Department of Personnel and Training issued instructions dated 21.10.2022 to all State / UT Governments, insisting upon the need for timely verification of Caste / Community certificates, indicating as follows:

“3. In this regard, it is reiterated that the responsibility for the issue and verification of Caste Certificate lies with the concerned State / UT Government. The Hon'ble Supreme Court, vide its order dated 02.09.1994 in the matter of Kumari Madhuri Patil vs. Addl. Commissioner, has laid down the detailed guidelines for effective verification of the Caste Certificates of the employees by the State Government, so that no person, on the basis of fake caste certificate, may secure employment wrongfully in the Government.”

18. In an another Office Memorandum dated 30.11.2021, issued by the Government of India, Ministry of Personnel, PG & Pensions, Department of Pension & Pensioner's Welfare strictly instructed concerned Departments that unless departmental or judicial proceedings are pending against a retired employee, the pensionary/retirement benefits due to the retiring employee should not be withheld or delayed on the ground of pendency of verification of caste certificate.



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19. Learned counsel for the petitioner drew our attention to the Government Order dated 15.10.2012 issued by the Government of Tamil Nadu, wherein, the functions of the Vigilance Cell have been enumerated and a time frame has also been fixed for completion of enquiry, which reads as follows:

“vii) The inquiry should be completed as expeditiously as possible preferably by day to day proceedings within such period ***not exceeding two months***. If after inquiry, the competent committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent / guardian and the applicant.”

20. In the light of the various judgments of the Hon'ble Supreme Court and also the guidelines / instructions / G.O.'s issued by both Government of India and State Government, from time to time, we are of the view that the respondents cannot keep the matter pending for months / years together in the garb of verification of community certificates, especially when there is a specific time frame fixed for completion of such verification.

21. In this case, the impugned notice was issued to the petitioner



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on 24.01.2017, whereby the first respondent has directed the second respondent to conduct an enquiry, which is after 6 years of her retirement from service. In the affidavit filed in support of the writ petition, in paragraph 4, the petitioner has given an undertaking as under:-

“ 4. I respectfully submit that in our family, based on her community certificate none of our family members have relied upon it and availed any benefit in any department. I hereby undertake that either myself or any of my family members will not avail any benefit in future by relying upon my (late) wife's community certificate.”

22. In view of the law laid by the Hon'ble Supreme Court and the procedure that is to be followed in enquiry relating to verification of communal status, we are of the view that conducting the verification or repeated enquiries on the communal status of a person claiming benefit either as a Scheduled Caste or as a Scheduled Tribe is not conducive.

23. The learned counsel for the petitioner would state that the original petitioner is no more and therefore, the husband of the deceased petitioner has been impleaded as the petitioner, who is presently 72 years of age and at this age, he is finding difficult to appear for enquiry before



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the officials and therefore, the petitioner would state that he shall not utilize the ST community certificate dated 14.10.1978 for himself or to his children at any point of time in future.

24. In the light of the decisions of the Apex Court referred to supra, the Writ Petition is allowed on the following directions:-

(i) The respondents or any of their agency shall not verify the petitioner's community status in view of the request made by the husband of the deceased petitioner, who has already got superannuated on 31.05.2011; the 3rd respondent is directed to disburse the terminal benefits to the petitioner with reasonable interest, within two months from the date of receipt of a copy of this order.

(ii) The petitioner shall surrender his wife's community certificate (*if not already surrendered*) to the concerned Officials on due acknowledgment. ***The undertaking given by the petitioner that he will not claim reservation benefit based on his wife's community certificate in future or use the certificate as proof for his family members, is hereby recorded.***



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(iii) In case, any application for issuance of community certificate is made by the son/s or daughter/s of the petitioner in future for the purpose of education, employment, etc., an independent enquiry can be conducted by following due process of law and a decision shall be taken in respect of issuance of community certificate within two months from the date of receipt of application, if any made, bearing in mind the judgment of the Supreme Court / guidelines and the Government Order issued by the State Government dated 15.10.2012 (referred to supra). No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

18.07.2025

NCC : Yes/No

Index : Yes/No

RR/sts

To

1. The Deputy Secretary to Government
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Department, Secretariat,
Chennai 600009.

2. The Deputy Superintendent of Police,

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SC/ST Vigilance Cell,
Madurai Region, Madurai 20.

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3. The Department of Telecommunications,
Rep. By its General Manager,
Government of India,
O/o the Bharat Sanchar Nigam Limited



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AND
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Pre-Delivery Order made in
W.P.(MD). No.13649 of 2018

Date : 18/07/2025