

W.P.(MD)No.22385 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON :	30.04.2025
PRONOUNCED ON :	22.08.2025

CORAM:

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

W.P.(MD)No.22385 of 2022
& W.M.P.(MD) Nos.16561 & 16563 of 2022

S. Paulraj

... Petitioner

Vs.

1. The Tamil Nadu State Level Scrutiny Committee II
rep., by its Chairman,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.

2. UCO Bank,
Through its Zonal Manager,
Zonal Office, Vijay Towers, 1st Floor,
No.22, Father Randy street, R.S. Puram,
Coimbatore – 641 002.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to



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issue to Writ of Mandamus forbearing the first respondent from in any manner proceeding with or from passing any orders in the pending enquiry with regard to his communal status of the petitioner pursuant to enquiry notice in Letter No.18384/ CV-2/2013-11 dated 02/03/2022 without clarifying the petitioner and this Court as to the status of the said enquiry including order dated 9.03.2022, if any, as claimed by the second respondent.

For Petitioner : Mr.VR.Shanmuganathan

For R-1 : Mr.Veera Kathiravan,
Addl. Adv. General assisted by
Mr.M.Sarangan, Addl. Govt. Pleader

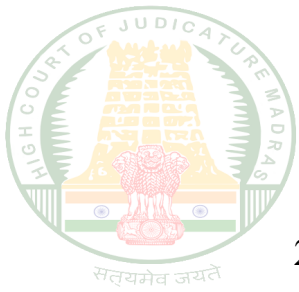
For R-2 : Mr.C.Deepak

ORDER

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

Seeking for a direction to forbear the first respondent from in any manner proceeding with or from passing any orders in the pending enquiry with regard to the petitioner's communal status pursuant to enquiry notice in Letter No. 18384/ CV-2/2013-11 dated 02.03.2022, without clarifying as to the status of the pending enquiry, including order dated 9.03.2022, the petitioner has filed the present writ petition.

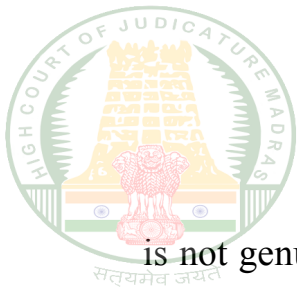
2. The facts of the case are as follows:-



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2.1. The petitioner belongs to Konda Reddis (ST) community, which falls under the category of 'Schedules Tribes' as per the Constitution (Scheduled Tribes) Order, 1950. He was issued with such community certificate on 12.07.1978 by then Head Quarters, Tahsildar, Nanguneri. He was appointed as clerk on 02.07.1984, as per the Banking Services Recruitment Board. After 17 years of service, at the request made by the second respondent to verify the genuineness of the petitioner's caste certificate, the District Collector, Tirunelveli District, has conducted an enquiry and cancelled the petitioner's community certificate on 21.07.1995 without prior notice or enquiry to the petitioner. Aggrieved against such cancellation, the petitioner filed a writ petition before this Court in W.P.No.11966 of 1995 and the same came to be disposed of vide order dated 26.06.2002, whereby a direction was given to the District Collector, Tirunelveli to refer the matter to the Committee constituted by the Government for conducting fresh enquiry.

2.2. Pursuant to the same, the second respondent, vide his letter dated 07.03.2014, has requested the State Level Scrutiny Committee to verify the genuineness of the petitioner's certificate, by which the above said Committee forwarded the case to the first respondent for further verification, whereby the first respondent has held that the community certificate provided by the petitioner



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is not genuine and the petitioner failed to cooperate for the enquiry conducted by them.

2.3. Thereafter, during February 2021, the Vigilance Cell has called the petitioner for an enquiry on 13.09.2021, 28.09.2021 and 16.11.2021, on which dates the petitioner did not attend the enquiry. Again on 14.03.2022, the petitioner was once again called to appear before the State Level Scrutiny Committee for enquiry, on which date, the petitioner was present and also submitted the documents to substantiate his claim. But no conclusion was arrived and hence no communication was forwarded to the petitioner in this regard.

2.4. To the shock and surprise of the petitioner, the second respondent, vide its email addressing the petitioner's official mail address has stated that the caste certificate of the petitioner stands cancelled on 09.03.2022. i.e. before the date of hearing on 14.03.2022 and that criminal action would be taken against him with regard to the same. Aggrieved against the same, the present writ petition has been filed.

3. According to the learned counsel for the petitioner, the petitioner is at the verge of his retirement and has been continuously facing harassment at the hands of the respondents for more than 30 years, with regard to the issue of



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verification of the genuineness of his caste certificate. The main grievance of the petitioner is that the second respondent, based on false claims, may take coercive action when there is no fault on the petitioner and take steps to file criminal charges against him, even though there is no official order passed against him for the alleged offence.

4. Further, the learned counsel for the petitioner submitted that while the enquiry into the genuineness of the petitioner's community certificate is pending with the competent authority, it is unfair and illegal for the second respondent to claim cancellation of his certificate and proceed with criminal prosecution. He seeks clarification from the first respondent regarding the alleged order dated 09.03.2022, as claimed by the second respondent. Hence, he has approached this Court by way of filing this writ petition.

5. Per contra, Mr.Veera Kathiravan, learned Additional Advocate General assisted by Mr.M.Sarangan, learned Additional Government Pleader appearing for the first respondent would submit that only upon the request made by the second respondent to the District Collector, Tirunelveli with regard to the verification of the caste certificate of the petitioner, vide letter dated 22.09.1993, enquiry was conducted and based on the evidences submitted by the petitioner,



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and his community certificate dated 12.07.1978, a report was furnished that the same was found to be not genuine and fake. The learned Additional Advocate General has filed a counter affidavit to substantiate the claim that the community certificate of the petitioner is not genuine in the following terms:-

(a) The Deputy Superintendent of Police, Madurai Region was requested to conduct open enquiry as per the guidelines issued by the Hon'ble Supreme Court of India in Kumari Madhuri Patil Case;

(b) The Deputy Superintendent of Police has reported that the petitioner himself has stated that he has no blood relatives and refused to submit records to prove his community.

(c) The petitioner's Secondary School Leaving Certificate shows that he belongs to Reddiar Community.

(d) The petitioner has requested to drop the community certificate enquiry as per Parliamentary Committee Memorandum. This statement itself is a proof for non-cooperation of the petitioner for enquiry;

(e) During the enquiry on 14.03.2022, the petitioner has submitted the original SSLC Book and Community Certificate of himself and his brothers only. No other records / documents in support of his claim has been made.

(f) The petitioner had ample time and reasonable opportunities to



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produce records / documents to prove his Scheduled Tribe community claim.

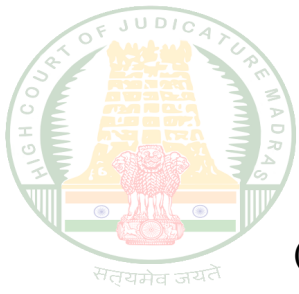
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(g) The report of the Sub Collector, Cheranmahadevi, dated 27.06.1995 shows issuance of bogus community certificate and malafide intention.

(h) In reply to the show cause notice, the petitioner has submitted copy of many land documents prior to 1950. But he has not submitted family tree issued by Tahsildar. Hence, it is not taken as a valid document by the Committee.

(i) The petitioner has submitted copies of several land documents of the years 1894, 1902, 1928, 1941, 1942 and 1943. However, the petitioner has not submitted a Family Tree certified by the concerned Tahsildar in support of petitioner's Kondareddis community claim. It is further stated that the petitioner has not produced any original document during the State Level Scrutiny Committee enquiry.

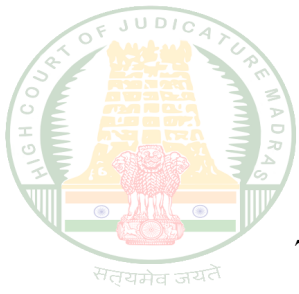
(j) The petitioner has produced the copy of Panguluvar family brother Mr.V. Balaraman currently living in Nagercoil, his Kondareddis certificate issued by Nanguneri Tahsildar was confirmed by District Revenue Officer, Tirunelveli vide letter No.K.dis.220882/1975, dated 24.09.1976. However, the above said Revenue document is very old and the copy of the document cannot be verified by with the original document maintained by Revenue Department, therefore it is not acceptable to the State Level Scrutiny Committee.



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(k) One of the land document No.289/1973 enclosed by the petitioner shows that there is discrepancy with reference to year of the document. The document number is shown as 289/1973, but in the seal of the Sub Registrar Office, the date is mentioned as 18.07.1978. Therefore, such discrepancy in the land document is not acceptable by the State Level Scrutiny Committee.

6. Moreover, the learned Additional Advocate General submitted that the first respondent after carefully and independently examining the report of the Vigilance Cell along with records, statements, reply for show cause notice furnished by the petitioner, findings of the Tirunelveli District Level Vigilance Committee, concluded that the petitioner did not belong to the "Hindu Kondareddis" Scheduled Tribe community. Hence, the first respondent confirms that the "Hindu Kondareddis" community certificate issued by the Headquarters Deputy Tahsildar, Nanguneri, Vide C.No.1083/1978 dated 12.07.1978 to the petitioner is "Not Correct", vide Proceedings No. 18384/CV2/2013-11 dated 02.03.2022 and therefore, the necessity to re-establish the same fact by conducting enquiry on 14.03.2022 and the necessity to disclose the said report, did not arise on the part of the respondents.

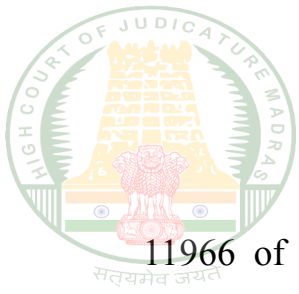


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7. Further the first respondent also instructed the second respondent to take stringent action against the petitioner as per law, for obtaining three bogus community certificates by defrauding the Constitution of India and directed the District Collector, Tirunelveli to confiscate and cancel the said community certificates of the petitioner. Therefore, the writ petition filed by the petitioner herein deserves no merit and is liable to be dismissed.

8. In the counter affidavit filed on behalf of the second respondent, it is specifically stated that in the enquiry report, the Sub-Collector Cheranmahadevi, after conducting detailed enquiry, found that the petitioner belongs to Reddiar Community and not Kondareddis Scheduled Tribe Community and the Community Certificate dated 12.07.1978 issued to the petitioner is not genuine vide D.Dis.No.11632/1993 dated 31.12.1993. Further, the Sub Collector, Cheranmahadevi reported to the District Collector, Tirunelveli vide his letter No.B4/MOO MU/7462 dated 27.06.1995 as the alleged community certificates dated 28.01.1984 and 28.06.1984 issued by the Revenue Divisional Officer are bogus and fake certificates with malafide intention.

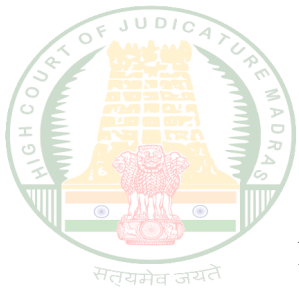
9. Moreover, when the petitioner had filed a Writ Petition in W.P.No.



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11966 of 1995 before this Court, by challenging the District Level Vigilance Committee conclusion dated 21.07.1995 and this Court also in its order dated 26.06.2022, had directed the District Collector, Tirunelveli, to refer the matter to the Committee constituted by the Government for conducting fresh enquiry. In the enquiry which was initiated thereafter, the Director, Tribal Welfare, Chennai had forwarded the enquiry report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing, SC/ST Vigilance Cell Tirunelveli. The Deputy Superintendent of Police SC/ST Vigilance Cell, Tirunelveli has concluded that the petitioner does not belong to Hindu Kondareddi Scheduled Tribe Community. Further the anthropologist member of the State Level Scrutiny Committee enquired the cultural traits of the petitioner and concluded that the individual did not establish the cultural traits of "Hindu – Kondareddis" community. Therefore, the allegation made by the petitioner that could not have been any order on 09.03.2022 cancelling his certificate is baseless and meaningless.

10. Heard the learned counsel for the petitioner and the learned Additional Advocate General appearing for the first respondent and the learned counsel appearing for the second respondent and perused the materials placed before this Court.



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11. The contentions of the petitioner that his community certificate cannot be subjected to scrutiny on the sole premise that, in view of certain judicial pronouncements, such verification applies only to appointments made after the year 1995, is wholly untenable. The scope and application of such rulings cannot be invoked as a blanket shield to protect an individual who is alleged to have obtained a false certificate by misrepresentation. The principle laid down by the courts in those cases is to be understood in its proper factual context and cannot be stretched to cover situations where fraud is alleged and substantiated by competent authorities.

12. In the present case, both the State Level Scrutiny Committee and the Anthropologist's report have categorically concluded that the petitioner does not belong to the Konda Reddy community. These findings are the result of due enquiry by the Authorities vested with the statutory responsibility to verify the genuineness of community certificates. Once such adverse findings have been recorded, the onus shifts squarely upon the petitioner to establish, through cogent and acceptable evidence, that he indeed belongs to the said community. Mere reliance on procedural technicalities or past rulings, without discharging this burden, cannot sustain the petitioner's claim.

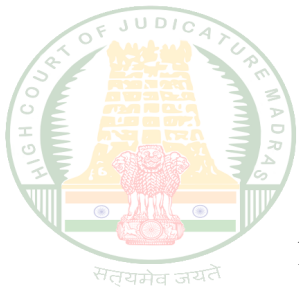


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WEB COPY 13. It is a settled proposition of law that fraud vitiates every solemn act.

When a person secures a community certificate by suppressing material facts or by producing false evidence, such an act strikes at the root of the constitutional scheme of reservations, depriving genuine beneficiaries of their rightful entitlements. The Hon'ble Supreme Court has repeatedly held that no person can be allowed to retain the fruits of a fraudulent act. In this case, the material on record reveals that the petitioner has misrepresented his community status and thereby committed a fraud upon the Government in securing benefits to which he is not entitled. Such conduct cannot be condoned on equitable considerations or on misplaced sympathy.

14. Accordingly, the petitioner, having obtained a false community certificate and availed himself of the consequential benefits, must face the legal consequences of his actions. The authorities are fully justified in initiating appropriate proceedings to cancel the fraudulent certificate, recover any undue benefits obtained, and impose such other penalties as permissible under law, in order to preserve the sanctity of the reservation system and uphold the rule of law.



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15. In view of the above observations made, this Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
22.08.2025

sts

Index : Yes / No

To:

1. The Chairman,
Tamil Nadu State Level Scrutiny Committee II
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Chennai 600 009.
2. The Zonal Manager, UCO Bank,
Zonal Office, Vijay Towers, 1st Floor,
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J.NISHA BANU, J.

and

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Pre-delivery of order made in
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Dated:

22.08.2025