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W.P.No.1722
and W.P.No.350



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 19.06.2026

Pronounced on : 25.06.2026

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.17225 of 2013

and W.P.No.3507 of 2020

and W.M.P.Nos.19872 of 2022, 4104 of 2020

and 4105 of 2020 and 5416 of 2021

S.Vijaya

.. Petitioner in both W.Ps

vs

1.The Government of Tamil Nadu,
Rep. By Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Singaravelar Maligai,
Chennai District, Chennai-1.

3.The Vice Chancellor,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

4.The Registrar,
The Tamil Nadu Dr.M.G.R.Medical University,
No.69, Anna Salai, Guindy,
Chennai – 600 032.

... Respondents in both W.P.s

5.The Revenue Divisional Officer
Ambattur, Chennai – 600 053.

...Respondent in W.P.No.3507 of 2020



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Prayer in W.P.No.17225 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent in Proceeding No.E 11(1)/43771/2012 dated 07.02.2013 and quash the same in as far as para 3 (iii) of the above proceedings dated 07.02.2013 for the production of latest Community Certificate and consequently direct the 3rd and 4th respondent to accept the community certificate dated 01.12.1988 produced by the petitioner.

Prayer in W.P.No.3507 of 2020: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of the 3rd respondent impugned order in Memo. No.E-11(2)/08348/2013 dated 27.01.2020 and quash the same and consequently direct the 3rd and 4th respondents to not to insist for latest community certificate from the petitioner.

For Petitioner

in both W.Ps : Mr.J.Saravana Vel

For Respondents : Mrs.Y.Kavitha for R1, 2 and 5

Government Advocate

in W.P.No.3507 of 2020 and R1 and R2

in W.P.No.17225 of 2013

Mr. Hari Radhakrishnan for R3 and R4

in both cases

COMMON ORDER

Since the petitioner in both the writ petitions is one and the same and the issue involved in both the writ petitions is intertwined, both writ petitions are taken up for hearing together and are being disposed of by a common order.

W.P.No.17225 of 2013



2. The petitioner, by this Writ Petition, sought for calling of the records relating to the proceedings of the third respondent dated 07.02.2013 and to quash the same insofar as paragraph 3 (iii) of the aforesaid proceedings by which the petitioner was called upon for the production of latest community certificate with a consequential direction to the third and fourth respondents to accept the community certificate dated 01.12.1988 produced by the petitioner.

W.P.No.3507 of 2020

3. The petitioner, by this writ petition, had sought for issuance of a certiorarified mandamus to call for the records of the third respondent relating to the proceedings dated 27.01.2020, whereby she was called upon to submit an appropriate community certificate within 30 days from the date of receipt of the said proceedings, failing which she was informed that necessary action would be taken to terminate her services as Assistant in the third respondent University.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1, 2 and 5 in W.P.No.3507 of 2020 and first and second respondent in W.P.No.17225 of 2013 and the learned



counsel for the respondents 3 and 4 in both writ petitions and perused the records.

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5. The case of the petitioner in brief is that she belongs to Hindu Kuruman Community and the aforesaid community is notified as Scheduled Tribe under the presidential order; that the Government of Tamil Nadu had also recognized the same as Scheduled Tribe in the State of Tamil Nadu under G.O.Ms.No.1564 dated 30.07.1985, by amending the provisions of Scheduled Castes and Scheduled Tribes orders (Amendment) Act, 1956 vide SI.No.296; that her father's school Transfer Certificate records his community as "Kuruman"; that on 01.12.1988, the Tahsildar, Egmore-Nungambakkam Taluk, Madras had issued community certificate to her, her sister and her brother, certifying that they all belong to the Hindu Kuruman community; that throughout her childhood, she was considered as belonging to the Kuruman community, which is notified as Scheduled Tribe under the presidential order; that in the Transfer Certificate issued by the School Authority, it has been mentioned that she belongs to a Scheduled Tribe; and that she had completed her B.Com degree in July 1997 and thereafter registered with the employment exchange.



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6. It is the further case of the petitioner that the third respondent, in order to fill up the post of Assistant, had called for candidates from the employment exchange; that on the employment exchange forwarding the names of eligible candidates, the third respondent had called her for certificate verification on 06.12.2013, followed by an interview on 07.12.2013; and that after the interview on the same day, had issued proceedings dated 07.02.2013 informing her that she being appointed temporarily to the post of Assistant and directed her to report duty on or before 22.02.2013.

7. It is the further case of the petitioner that the third respondent, while issuing proceedings dated 07.02.2013 directing her to report duty on or before 22.02.2013, had directed her to produce the original certificates/testimonials mentioned therein and at Serial No.3(iii) of the said proceedings, the third respondent had called upon her to produce the latest community certificate issued by the Tahsildar or Deputy Tahsildar concerned.

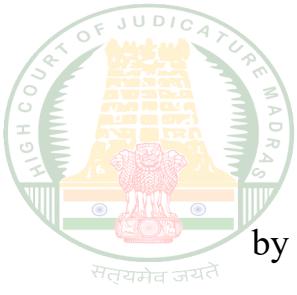
8. It is the further case of the petitioner that she had reported before the third respondent to join the duty as Assistant and at the time of joining, had produced the original certificates as sought for by the third respondent, including the community certificate issued by the Tahsildar on 01.12.1988.



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9. The Petitioner contended that though she had submitted her original community certificate, wherein her community was recorded as Kuruman, the third respondent insisted for the production of the latest community certificate issued by the Tahsildar/Deputy Tahsildar concerned, without taking note of the fact that in case of Scheduled Tribes, the competent authority is the Revenue Divisional Officer/Sub Collector/Assistant Collector.

10. The petitioner further contended that despite she being in possession of a validly issued community certificate and having furnished the original certificate to the third respondent, in order not to lose the job, she had sought time to obtain community certificate again and approached the concerned Revenue Authorities and made an application; that no action was taken on her application by the concerned Revenue Authority i.e., working under the second respondent, she approached this Court by filing the first writ petition in the year 2013, challenging the action of the third respondent in insisting for furnishing latest community certificate inspite of she being in possession of valid community certificate issued by the authorities concerned, as the said insistence by the third respondent is contrary to law laid down by the Hon'ble Apex Court.



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11. It is the further case of the petitioner that while the writ petition filed by her in the year 2013 was pending consideration before this Court, the third respondent once again issued proceedings dated 27.01.2020 granting her 30 days' time to produce a community certificate, failing which she was informed that her services would be terminated, she had filed the second writ petition questioning the action of the respondents in insisting for the production of a community certificate, notwithstanding the fact that the same had already been furnished at the time of reporting to duty.

12. It is the further case of the petitioner that since, she was born into the Kuruman community and the said fact being borne out from the transfer certificate of her father as well as the community certificates issued to her as well as her siblings by the concerned authority, the respondents, particularly the third respondent, cannot insist for producing the latest community certificate once again or threaten her with action of termination of services in the event of failure to produce the same.

13. It is contended by the petitioner that the aforesaid action of the third respondent, firstly, in insisting to produce latest community certificate and



secondly, in directing her to produce the same within 30 days, failing which informing her services would be terminated, is illegal and arbitrary.

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14. The petitioner also contended that though she had approached the second respondent authority and submitted application for being issued with community certificate to enable her to furnish the same to the third respondent, the same had not been furnished till date and on the other hand, she is faced with the threat of losing her employment.

15. Contending as above, petitioner has placed reliance on the following decisions of the Hon'ble Apex Court and this Court are as follows:-

(i) Madhuri Patil vs. Additional Commr.,

Tribal Development [(1994) 6 SCC 241]

(ii) R.Sundaram vs. The Tamil Nadu State

***Level Scrutiny Committee & Ors. [2023 SCC Online
SC 287]***

(iii) W.P.No.27642 of 2017 dated 30.10.2017

***(N.Tamilarasan vs. The Revenue Divisional Officer,
Mettur Taluk]***



(iv) S.P.Sakthi Devi vs. The Collector of

Salem, Salem and Ors. [(1985) 98 MLW 105]

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16. No counter affidavit is filed on behalf of the respondents 1, 2 & 5 in W.P.No. 3507 of 2020 and the respondents 1 & 2 in W.P.No. 17225 of 2013.

17. Counter affidavit on behalf of the third and fourth respondent is filed in W.P.No.3507 of 2020.

18. In response to the counter affidavit filed by the respondents 3 and 4 in both writ petitions, the petitioner has also filed rejoinder affidavit.

19. Though, no counter affidavit has been filed on behalf of the respondents 1, 2 and 5 in W.P.No.3507 of 2020, the learned Government Advocate appearing on behalf of the respondents contended that on the petitioner approaching the second respondent and submitting an application for issuance of a fresh community certificate in 2013, the authorities have caused verification and issued proceedings dated 30.10.2013 rejecting her application for being issued with community certificate certifying that she belongs to Kuruman community, notified as Scheduled Tribe; that the aforesaid communication was sent to the petitioner at the given address by registered



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post on 01.11.2013 and was delivered at the address on 04.11.2013; that the delivery of the aforesaid registered post was confirmed by the acknowledgment card, wherein the recipient of the aforesaid registered envelope affixed her signature as 'Kamatchi'.

20. The learned Government Advocate further submits that a copy of the aforesaid communication was also sent to the third respondent by registered post.

21. The learned Government Advocate further submits that as the petitioner had denied the receipt of the aforesaid communication sent by registered envelope, the authorities caused verification subsequently as to who had received the envelope and found that the recipient was none other than the mother of the petitioner and thus, it is not open for the petitioner to claim that she was not aware of the communication dated 30.10.2013.

22. On behalf of the respondents 1, 2 and 5, it is also contended that if the petitioner was aggrieved by the rejection of her application for being issued with community certificate by the aforesaid proceedings, the petitioner ought to



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have availed the further remedies by approaching the competent authority constituted by the Government and no such action has been taken by the petitioner.

23. On behalf of the respondents, it is further contended that since the petitioner once again submitted an application for being issued with community certificate, despite her request for issuance of community certificate was rejected earlier, the respondent authorities, after issuing notice to the petitioner on 10.03.2026 and after causing verification on 21.04.2026 had rejected her subsequent application on the ground i) that the petitioner did not produce any nativity certificate, ii) that her father's transfer certificate was found to be fake; and iii) that earlier rejection dated 30.10.2013 having attained the finality, as no appeal has been filed against it.

24. The learned Government Advocate submits that if the petitioner is aggrieved by the rejection of the issuance of a community certificate, she ought to have approached the competent authority by way of an appeal to seek redressal of her grievance and thus, seeks dismissal of the writ petition insofar as the respondents 1,2 and 5 are concerned.



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25. On behalf of the respondents 3 and 4, it is contended that the respondents directed the petitioner to produce the latest community certificate issued by the competent authority, as the community certificate produced by the petitioner was obtained in December 1988 and being old one; and that despite the respondents granting her a number of opportunities, the petitioner did not produce the same.

26. On behalf of the respondents, it is also contended that the petitioner only went on seeking time to produce the community certificate and having failed to produce the community certificate after securing employment as an Assistant which post was reserved to be filled by a candidate belonging to Scheduled Tribe, cannot now challenge the conditions of her employment or refuse to produce the certificate, thereby depriving an eligible Scheduled Tribe Candidate to secure employment.

27. Contending as above, the respondents seek for dismissal of the writ petition.

28. I have taken note of the respect contentions as urged.



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29. Though submissions have been made at length on either side justifying their respective contentions, the short point that arise for consideration in this case is :

(i) Whether the action of the third respondent in directing the petitioner to produce a latest community certificate at the time of her joining into service of the third respondent as Assistant is valid?

(ii) Whether the officials of the second respondent, while considering the application submitted by the petitioner for issuance of the community certificate, followed the procedure laid down?

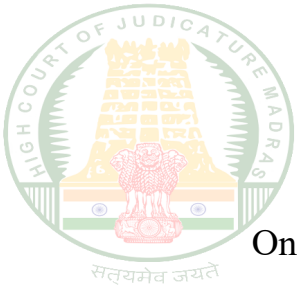
30. Firstly, in order to consider as to whether the third respondent could have insisted for production of a latest community certificate at the time the petitioner joining the service of the third respondent as Assistant. It is to be noted that community status of a person does not get changed regularly except in exceptional circumstances and thus, the community certificate once issued would continue to be valid till the same is cancelled by following the procedure known to law. The petitioner having produced the community certificate issued under the signature of Tahsildar, Egmore – Nungambakkam Taluk dated



01.12.1988 at the time of securing the job/employment as belonging her to Kuruman category which is notified as Scheduled Tribe under the presidential order.

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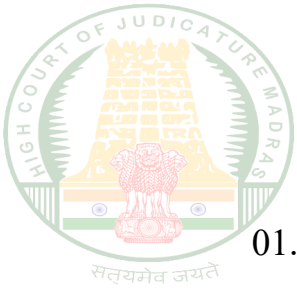
31. Further the petitioner having produced her Transfer Certificate obtained from the School, wherein it is recorded that she belongs to the Kuruman – Scheduled Tribe, and also in her B.Com memorandum of records, wherein her community status is recorded as Scheduled Tribe, if only the third respondent had any doubt as to the genuineness or correctness of the claim made by the petitioner of she belonging to a particular community or having secured the relevant degree, on furnishing the original documents at the time of her joining on 22.02.2013, could have referred the certificates to the concerned authorities to cause verification and furnish information. No such action was taken. Though the respondents 3 and 4 took the original community certificate of the petitioner dated 01.12.1988, the respondents still insisted for production of latest community certificate, which instance is contrary to law laid down by the Hon'ble Apex Court in the case of ***R.Kandasamy V. Chief Engineer, Madras Port Trust*** reported in ***(1997) 7 SCC 505***.



32. Admittedly, the third respondent did not undertake any such action.

On the other hand, it insisted that the petitioner produce a latest community certificate from the Tahsildar/Deputy Tahsildar, without realizing that, after 11.11.1989, the competent authority to issue a community certificate in the case of a Scheduled Tribe is the Revenue Divisional Officer/Sub-Collector/Assistant Collector and not the Tahsildar. Thus, the prescription in Clause 3 (iii) of the proceedings dated 07.02.2013 only goes to show that the third respondent was unaware of, or ignorant as to the competent authority who could have furnished such a certificate, coupled with the fact that the certificate do not expire by efflux of time, nor they have a shelf life as a commercial merchandize.

33. Further, such insistence by the third respondent, notwithstanding the mentioning of a wrong authority, is also ignoring the fact that in respect of certificates issued prior to 11.11.1989 under the signature of the Tahsildar were considered as valid unless the same were cancelled by the competent authority subsequently. [See - *R.Kandasamy V. Chief Engineer, Madras Port Trust* reported in (1997) 7 SCC 505]



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34. Since, the petitioner is in possession of community certificate dated 01.12.1988 issued by the Tahsildar, the third respondent, on looking at the certificate, could not have noted as to whether the said certificate was in force or had been cancelled. If only the third respondent had any doubt with regard to the community certificate dated 01.12.1988 produced by the petitioner, the third respondent ought to have sent the said certificate to the concerned authority and based on the information furnished by them could have initiated further action, more particularly, since, the petitioner's appointment was stated as to be temporary. Admittedly, the third respondent did not undertake any such exercise and only insisted that the petitioner to produce the community certificate.

35. The Government of Tamil Nadu, to be in compliance with the guidelines issued in the Judgment of the Hon'ble Apex Court in ***Kumari Madhuri Patil vs. Additional Commissioner, Tribal Department*** reported in ***(1994) 6 SCC 241***, had issued Government Order vide G.O(2D) No.108, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 12.09.2007, Constituting the District Level Vigilance Committee and the State Level Scrutiny Committee for verification of the genuineness of community certificates issued to the Scheduled Castes and Scheduled Tribes. The



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Government of Tamil Nadu thereafter had issued a modified Government Order vide G.O.No.106 Adi Dravidar and Tribal Welfare (CV-1) Department, dated 15.10.2012, in relation to the verification of evidence of community certificate by the formation of Vigilance Cells as per the direction of the Supreme Court. Neither the officials of the second respondent nor the third respondent found it necessary to follow the aforesaid mentioned Government Orders to verify the genuineness of the community certificate produced by the petitioner and also to follow the procedure of placing the matter before the State Level Committee which has been constituted pursuant to the modified order issued in compliance with the directions of the Hon'ble Supreme Court in the case of ***Kumari Madhuri Patil*** (*cited supra*).

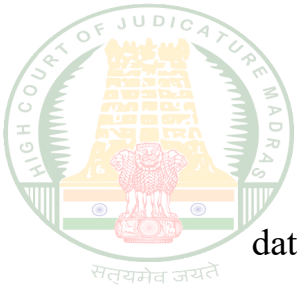
36. Since, the officials of the second respondent, while issuing the communication dated 30.10.2013, did not undertake proper verification in accordance with the guidelines laid down by the Hon'ble Apex Court, which were translated in the form of Government Order by the Government of Tamil Nadu vide G.O.(2D) Ms.No.108 and G.O.Ms.No.106, the communication dated 30.10.2013, by which the request of the petitioner for issuance of a community certificate was rejected cannot be held to have been validly issued by following the prescribed procedure.



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37. Similarly, the communication dated Nil.04.2026, signed on 21.04.2026 by the fifth respondent, which is based on the earlier proceedings dated 30.11.2013 and is also not being in accordance with the procedure prescribed under the Government Orders which are in vogue, more particularly ignoring the fact of petitioner is in possession of a community certificate issued a way back on 01.12.1988 and not having being cancelled in the manner known to law, in order to verify the correctness or otherwise of the said certificate, the same ought to be referred to the State Level Scrutiny Committee being the Competent Authority constituted for the said purpose rather than fifth respondent authority deciding the matter himself and rejecting the application.

38. As this Court has found that the communication dated 30.10.2013, as well as the communication signed on 21.04.2026 by the fifth respondent, were issued without taking into consideration the community certificate dated 01.12.1988 possessed by the petitioner and also as to the genuineness of the said proceedings dated 30.11.2013 and Nil.04.2026 signed on 21.04.2026 cannot be held to be validly issued for it to be sustained. Thus, both the said communication are set aside.



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39. Since, the petitioner had already submitted her community certificate dated 01.12.1988 to the third respondent at the time of joining service as Assistant, this Court is of the view that it is the third respondent who ought to have sought verification of the said certificate from the authorities concerned. Since the petitioner claims as she belonging to Kuruman community which is notified as Scheduled Tribe, the appropriate authority to cause verification in terms of G.O.Ms.No.104 dated 21.08.2023, is State Level Scrutiny Committee. Thus, the third respondent is required to seek verification of the community certificate dated 01.12.1988 produced by the petitioner by the said committee which is constituted in terms of the directions issued by the Hon'ble Supreme Court in ***Kumari Madhuri Patil's case (supra)***, before taking any further action.

40. Accordingly, the third respondent is directed to forward the original community certificate which is stated to have been furnished by the petitioner and in possession of the third respondent to the said committee to verify its genuineness. Only upon the committee furnishing its report or findings, the 3rd respondent shall take further action thereafter in accordance with law.



41. Subject to the above observations and directions, these Writ petitions are disposed of. Consequently, the proceedings of the third respondent dated 07.02.2013 and 27.01.2020 are set aside. No order as to costs. Consequently connected miscellaneous petitions are closed.

25.06.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

DH

To

1.The Government of Tamil Nadu,
Rep. By Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai – 600 009.

2.The District Collector,
Singaravelar Maligai,
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W.P.No.1722
and W.P.No.350



T. VINOD KUMAR, J.

dh

W.P.No.17225 of 2013
and W.P.No.3507 of 2020

25.06.2026