

W.P(MD) No.20570 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

WP(MD)No.20570 of 2022

and

W.M.P(MD)No.14901 of 2022

S.Durairaj

... Petitioner

Vs.

1.The Secretary,
The Tamil Nadu State Level
Scrutiny Committee II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai – 9.

2.The District Collector,
Ramanathapuram District,
Ramanathapuram.

3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.

4.The Deputy General Manager & Zonal Head,
UCO Bank, Zonal Bank,
Vijay Towers, 1st Floor,
22 Father Randy Street,
R.S.Puram,
Coimbatore – 641 002.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings No.12671/CV-2/2020-23 dated 02.08.2022 of the first respondent quash the same as illegal and consequently direct the third respondent to issue Community Certificate to the effect that the petitioner is belong to Kattunayakan Scheduled Tribe Community by holding that the earlier certificate dated 5.9.2008 issued by him is valid and thus render justice.

For Petitioner : Mr.R.Devaraj
For Respondents : Mr.C.Venkatesh Kumar
Additional Government Pleader
for R.1 to R.3
Mr.K.Periyasamy for R.4

ORDER

G.R.Swaminathan, J : -

The petitioner challenges the order dated 29.08.2022 passed by the first respondent cancelling the writ petitioner's community certificate on the ground that it is not genuine. The stand of the petitioner is that he belongs to Hindu Kattunayakan community which is a notified Scheduled Tribe.



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2.The writ petitioner's father, R.Subban, was issued with a community certificate by the competent authority as early as on 07.11.1967 certifying that he belonged to Hindu Kattunayakan community. The petitioner's father's certificate was never cancelled and continued to hold good till his demise. In the year 1989, the Government of Tamil Nadu issued a G.O stating that with effect from 01.11.1989, it is only the Revenue Divisional Officer who is competent to issue community certificates with regard to Scheduled Tribes. By then, the petitioner had joined UCO bank as a sub-staff on 30.11.1982. The petitioner had gained employment on the strength of the certificate issued by the Tahsildar, Paramakudi on 01.02.1980. Since the bank insisted that he should get the community certificate in the revised format, the petitioner approached the jurisdictional Revenue Divisional Officer. The jurisdictional Revenue Divisional Officer did not grant the certificate sought for by the petitioner. Hence, the petitioner filed O.S No.63 of 1991 on the file of Sub Judge, Ramanathapuram seeking mandatory injunction to the Revenue Divisional Officer for issuing community certificate in the revised format. The suit was decreed as prayed for on 19.04.1994. Along with the petitioner, his sister had also filed O.S.No.60 of 1991 and that was also decreed by a common judgment.



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3.Challenging these two judgments and decrees, A.S.Nos.73 and 74 of 1995 were filed before the Additional District Court, Ramanathapuram by the Government. The first appellate Court dismissed the appeals and confirmed the judgment of the trial Court on 29.11.1996. Challenging the same, S.A.Nos.993 and 994 of 1998 were filed. The Hon'ble High Court dismissed the appeals by judgment and decree dated 28.04.2000. Aggrieved by the same, the State of Tamil Nadu filed SLP (Civil) Nos.8349 - 8350 / 2004. The SLPs were dismissed at the condone delay stage itself on 27.09.2004.

4.Thereafter, the writ petitioner was issued with a permanent community certificate by the Revenue Divisional Officer, Paramakudi on 05.09.2008. The petitioner's employer, however, took up the matter before the State Level Scrutiny Committee. Vide order dated 02.08.2022, it was held that the writ petitioner does not belong to Hindu Kattunayakan community.

5.The question that calls for consideration is whether the order passed by the State Level Scrutiny Committee deserves to be set aside.



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6.The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.

7.Per contra, the learned Additional Government Pleader appearing for the authorities submitted that the impugned order is well reasoned. He argued that this Court ought not to go by the certificates earlier issued in favour of the writ petitioner's brother and sister. This was because pursuant to the G.O(Ms)No.106 Adi Dravidar and Tribal Welfare Department dated 15.10.2012, Vigilance Cell was formed and that in the case of the writ petitioner, the State Level Scrutiny Committee had the benefit of the report of the vigilance cell. In Paragraph 10 of the impugned order, the vigilance cell report has catalogued as many as 13 solid reasons for holding that the petitioner does not belong to the said community. He, therefore, called upon this Court to sustain the impugned order and dismiss the writ petition.

8.Since my learned Sister on the Bench is having some reservations, I proceed to dictate this order in the open court. I carefully considered the rival contentions and went through the materials on record.



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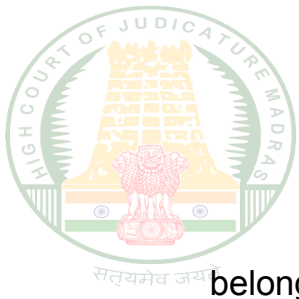
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9.Two factual aspects are beyond dispute :

a) The petitioner's father, Subban, was issued with a community certificate certifying that he belonged to Hindu Kattunayakan community by the competent authority. That certificate held good till his death and it was not set aside at all. No one questioned his certificate.

b) When the community status of the writ petitioner's siblings, namely, Ramamoorthy and Guruvammal came to be doubted, they moved the State Level Scrutiny Committee. The State Level Scrutiny Committee on 30.07.2009 issued proceedings certifying that the petitioner's brother belongs to Hindu Kattunayakan community. On the very same day, the petitioner's sister's community certificate was also duly validated.

10.When the writ petitioner's father, brother and sister have been declared as belonging to Hindu Kattunayakan community, I fail to understand as to how a contra stand can be taken in the case of the petitioner alone. The Hon'ble Supreme Court in the decision reported in **(2005) 12 SCC 248 (State of Bihar vs Sumit Anand)** had held that when close relatives including one's father have been certified" as



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belonging to a particular community, a different stand cannot be taken in the case of the applicant.

11. Apart from the aforesaid clinching circumstance, the civil court's decree is also in favour of the writ petitioner. He filed O.S No.63 of 1991 on the file of Sub Judge, Ramanathapuram and obtained a decree that the RDO concerned should issue community certificate in the revised format. The suit was decreed as prayed for. The first appellate Court as well as the High Court confirmed the said decree. The decision of the High Court is reported in **2000 (2) CTC 425 (State of T.N v. Durairaj)**. Relying on the decisions of the Hon'ble Supreme Court, the appellants argued that the suit filed by the writ petitioner herein was not maintainable. This submission was specifically rejected. Para 8 of the judgment reads thus :

“8. According to the respondent in Second Appeal No. 993 of 1998 he belongs to Kattunaicken community. He obtained community certificate on 1.2.1980 stating that he belongs to Kattunaicken community after due enquiry by the third defendant. There is no dispute that Kattunaicken community is one of the communities listed under Scheduled Tribe. Thereafter, he got an appointment in United Commercial Bank. After joining service in the Bank after some time the Bank issued a circular dated 21.12.1990 directing the employees who belong to Scheduled Tribe community to



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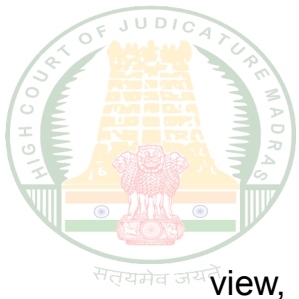
produce community certificate in the revised format to be issued in the rank of Revenue Divisional Officer, accordingly he applied to the second defendant for grant of community certificate in the revised format. Since the second defendant refused to issue community certificate in the revised format, he filed the said suit.”

After an elaborate discussion, the judgment concludes as follows :

“25.Even on merits the respondents/plaintiffs produced several documents in the form of sale deeds, school certificates, community certificate of their relatives as well as oral evidence of elders in support of their claim. By analysing the oral and documentary evidence after accepting the claim of the plaintiffs, the trial Court has granted decree as prayed for and the lower appellate Court on appreciation of the entire evidence affirmed the said conclusion. I am in agreement with the factual conclusion arrived at by the Courts below and I do not find any reason to interfere with the concurrent findings of the Courts below.”

The Hon'ble Supreme Court declined to interfere with the above judgment and dismissed the SLP filed by the State of Tamil Nadu. Thus, the decision of the civil court rendered in favour of the writ petitioner attained finality.

12.It is true that the petitioner did not seek the relief of declaration but sought only the relief of mandatory injunction. But, in my



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view, that would not make any difference. The relief of mandatory injunction granted in favour of the writ petitioner rests on the premise that he belongs to Hindu Kattunayakan Community. Without this being the foundational premise, the civil court could not have directed the RDO to issue the certificate sought for by him. The certificate which was directed to be issued by the RDO was that the petitioner herein belongs to Hindu Kattunayakan community. The relief obtained by the petitioner cannot be placed on a lesser footing merely because he did not seek declaratory relief. In fact, there was no need for obtaining such relief. The government itself had held that certificate issued by the Tahsildar before the cut off date ie., 11.11.1989 was very much valid. The said certificate had not been cancelled when the petitioner filed the civil suit. Thus, there was no need or necessity to ask for declaratory relief. In any event, the High Court had given an incidental finding that the petitioner belongs to Hindu Kattunayakan community. The State of Tamil Nadu was a party to this decision. Hence, the principle of *res judicata* will operate against the government.

13.The Hon'ble Supreme Court in ***State of T.N v. State of Kerala (2014) 12 SCC 696*** held that the doctrine of separation of powers is an entrenched principle in the Constitution of India and that it



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is an essential constituent of rule of law. This principle applies to the final judgments of the courts. The legislature cannot declare any decision of a court of law to be void or of no effect. A court's decision must always bind unless the conditions on which it is based or so fundamentally altered that the decision could not have been given in the altered circumstances.

14.While the legislature has power and competence to make a validating law, the executive has no such privilege. It can never go against the final judgment of a court. If the impugned order is upheld, it would mean that the decree confirmed by the High Court in favour of the petitioner would be of no effect. Such a consequence is abominable and cannot be envisaged. I am prepared to even assume that the decision of the High Court is wrong. But the State Level Scrutiny Committee cannot correct it. If the government feels aggrieved, it should come before the High Court or go before the Supreme Court. In the case on hand, the government did go before the Supreme Court. But its SLP was dismissed. I cannot conceive of a situation wherein the final judgment of the High Court stands nullified by an executive authority. That would sound the death knell of rule of law.



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15. There is something called conclusive presumption in law.

Once a fact is assumed to be true, contra evidence cannot be let in to disprove the same. Applying the same principle, the Vigilance Cell cannot be allowed to prove that the petitioner does not belong to Hindu Kattunayakan community when the High Court had affirmed the decree of the courts below that the competent authority must issue certificate certifying that the petitioner belongs to Hindu Kattunayakan community. Testing the correctness of the Vigilance Cell is an exercise in utter futility.

16. As already mentioned, the very same State Level Scrutiny Committee had upheld the claim of the petitioner's brother Ramamoorthy and sister Guruvammal. Hence, the said Committee cannot give a different decision in the case of the petitioner alone by citing the report of the Vigilance Cell. A simple question has to be posed. Can the State Level Scrutiny Committee review its decision in the case of the petitioner's siblings? The answer is "No". The principle of functus officio will come into play. Thus, they enjoy the status of belonging to Hindu Kattunayakan community. But their biological brother, the petitioner herein, would not belong to the said community as per the impugned decision. This runs counter to every canon of commonsense.



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17.The impugned order of the Scrutiny Committee could have been upheld if it had proceeded from a clean slate. But that was not the case. As already mentioned, the petitioner was already having a civil court's decree in his favor. The claim of the siblings had been sustained by the very same State Level Scrutiny Committee. The Committee did not take note of these aspects. It is well settled that a quasi judicial authority, before taking a final decision, has to take into account all the relevant materials. The decree issued in favour of the writ petitioner was definitely a relevant material. In the impugned order, there is no reference whatsoever to the civil Court's decree. Failure to advert to a relevant material would vitiate the order.

18.The learned counsel for the petitioner would further state that the petitioner's brother's grandson was recently issued with their community certificate certifying that he belongs to the Kattunayakan community. It would be iniquitous to deny the said status for the petitioner alone. For all these reasons, I am of the view that the impugned order has to be set aside. It is accordingly set aside.

19.The Writ Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.



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G.R.S, J.

07.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA/skm

To

- 1.The Secretary, The Tamil Nadu State Level
Scrutiny Committee II, Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat, Chennai – 9.
- 2.The District Collector, Ramanathapuram District, Ramanathapuram.
- 3.The Revenue Divisional Officer, Paramakudi,
Ramanathapuram District.
- 4.The Deputy General Manager & Zonal Head,
UCO Bank, Zonal Bank, Vijay Towers, 1st Floor,
22 Father Randy Street, R.S.Puram, Coimbatore – 641 002.



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G.R.SWAMINATHAN, J.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07/04/2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) No.20570 of 2022
and
WMP(MD)No.14901 of 2022**

S.Durairaj

: Petitioner

Vs.

- 1.The Secretary,
The Tamil Nadu State Level
Scrutiny Committee II,
Adi Dravidar & Tribal Welfare Department,
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Secretariat, Chennai-9.
 - 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
 - 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
 - 4.The Deputy General Manager & Zonal Head,
UCO Bank, Zonal Bank,
Vijay Towers, 1st Floor, 22 Father Randy Street,
R.S.Puram, Coimbatore -641 002.
- : Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus to call for the entire records pertaining to the impugned proceedings No.12671/CV-2/2020-23, dated 02.08.2022 of the 1st respondent, quash the same and consequently direct the 3rd respondent to issue Community Certificate to the effect that the petitioner is belong to Kattunayakan Scheduled Tribe Community by holding that the earlier certificate, dated 05.09.2008 issued by him is valid and thus render justice.

For Petitioner : Mr.R.Devaraj
For R1 to R3 : Mr.C.Venkatesh Kumar
Additional Government Pleader
For 4th Respondent : Mr.K.Periyasamy

ORDER

R.POORNIMA,J:-

This writ petition has been filed seeking quashment of the impugned proceedings No.12671/CV-2/2020-23, dated 02.08.2022 of the 1st respondent and consequently to direct the 3rd respondent to issue Community Certificate to the effect that the petitioner is belong to Kattunayakan Scheduled Tribe Community by holding that the earlier certificate dated 05.09.2008 issued by him is valid.



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2.My learned Senior brother Member, after hearing both the counsel, allowed the petition.

3.With utmost respect to my learned Senior brother, I am unable to concur with the judgment rendered by him.

4.Before delving into the merits of the case, it is necessary to briefly set out the background and summarize the relevant facts and circumstances of the case.

4.1.According to the writ petitioner, he was born in a family belonged to Kattunayakan community (ST) on 07/05/1959. His father namely R.Subban, who was also issued community certificate, on 07/11/1967 from the Headquarters Deputy Tahsildar, Paramakudi. Likewise, his sister Tmt.S.Guruvammal also obtained the community certificate on 31/05/1968. His brother namely Thiru.S.Ramamoorthy obtained the community certificate from the Tahsildar, Paramakudi, on 05/05/1975. The school records pertaining to the petitioner reflect his community as '**Kattunayakan**'. He also obtained the community certificate from the Tahsildar, Paramakudi, on 01/02/1980.

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4.2.The petitioner joined in the 4th respondent Bank as Sub Staff on the basis of the community certificate, on 30/11/1982. Thereafter, the petitioner's sister S.Guruvammal filed a suit in OS No.60 of 1991 on the file of the Sub Court, Paramakudi, seeking the relief of mandatory injunction with prayer to issuance of the community certificate in the revised format. On the same year, the petitioner also filed a similar suit in OS No.63 of 1991 seeking issuance of community certificate in revised format. Both the suits were jointly tried and decreed in favour of the petitioner and his sister S.Guruvammal, on 19/04/1994. Appeals filed by the respondents in AS Nos.73 and 74 of 1995 on the file of the Additional District Court, Ramanathapuram, came to be dismissed, on 29/11/1996, confirming the judgment and decree passed by the Trial Court. Against which, the respondents filed second appeals in SA Nos.993 and 994 of 1998 before the Hon'ble High Court of Madras, which also came to be dismissed, on 28/04/2000 confirming the judgment and decree passed by the Courts below. Against which, SLP was preferred before the Hon'ble Supreme Court, which also came to be dismissed.



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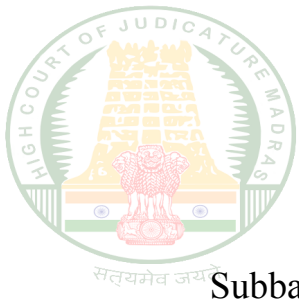
4.3. Based on the orders, the petitioner was issued permanent community certificate after detailed enquiry by the third respondent, on 05/09/2008. The State Level Scrutiny Committee declared the petitioner's brother as Kattunayakan community (ST) on 30/07/2009 and also confirmed his sister's community on 30/07/2009.

4.4. The petitioner attained superannuation on 31/05/2019 and he was relieved from the service. The petitioner's terminal benefits were withheld. Thereafter, a Vigilance Scrutiny Committee was appointed for verification of his community and he was called for enquiry and on 18/07/2022, the petitioner submitted a representation along with supporting documents before the first respondent. But the first respondent falsely concluded that the petitioner is not belonged to Kattunayakan community and passed an order, on 02/08/2022.

5. Against which, the present writ petition has been filed with the following among other grounds:-

a) The 1st respondent failed to consider the fact that the community certificate issued to the father of the petitioner namely

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Subban, on 07/11/1967 by the competent authority is valid for all purposes, the petitioner and his sister filed suits for mandatory injunction, praying for issuance of revised format of community certificate, that was allowed by the Trial Court.

b)The first respondent conducted an enquiry in a hurried manner and failed to follow the various judgments of the Hon'ble Supreme Court as well as the Division Bench of this Court to the effect that the community certificate issued to the legal heirs or relatives so long as is valid, the competent authorities are duty bound to issue community certificate, and whereas, in the present case, even the 1st respondent has already declared that the brother and sister of the petitioner belonged to Kattunayakan community and as such, the third respondent has duty bound to issue the Community Certificate to the petitioner in accordance with Scheduled Castes and Scheduled Tribes Order (Amendment Act, 1976).

c)The impugned order of the first respondent put him untold mental agony at his old age and the petitioner has got fundamental right



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to lead the life with dignity after his retirement under Article 21 of the Constitution of India. The impugned proceedings of the first respondent is liable to be set aside.

6.The first respondent filed a counter affidavit disputing the entire allegations. The first respondent's counsel contended that the petitioner had obtained a Hindu Kattunayakan Scheduled Tribe community certificate from the Revenue Divisional Officer, Paramakudi, on 05.09.2008. Based on the said certificate, the petitioner secured employment with UCO Bank, Chennai. Subsequently, the employer sought verification regarding the genuineness of the community certificate issued to the petitioner, and accordingly, the matter was referred to the Government.

6.1.Pursuant thereto, the Government requested the District Collector, Ramanathapuram, to verify whether the Hindu Kattunayakan Scheduled Tribe community certificate had indeed been issued to the petitioner, and to forward the original issuance records, the spot enquiry report of the Revenue Divisional Officer, and all other connected records to the State Level Scrutiny Committee for appropriate action.



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6.2.This case has been referred to the Deputy Superintendent of Police, Scheduled Caste/Scheduled Tribe Vigilance Cell, Madurai Region through the Director, Tribal Welfare, Chennai, to verify the genuineness of Kattunayakan Scheduled Tribe Form of Caste Certificate No.1(B4/2865/2008), dated 05/09/2008 issued by the Revenue Divisional Officer, Paramakudi to the petitioner, by Government Letter No.12671/CV-2/2020-1, Dated 08/10/2020, as per the guidelines issued by the Hon'ble Supreme Court of India (JT 1994(5)SC 488), dated 02/09/1994 in Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Welfare Department case, and also as per the judgment of the Hon'ble High Court of Madras, dated 21/12/2015 filed by Thiru.Venkitasamy and V.Balasubramanian Vs. The Chairman, State Level Scrutiny Committee. Subsequently, the 4th respondent Bank filed Contempt Petition No.1215 of 2020 in WP No.3094 of 2015 before the Hon'ble High Court of Madras, in which the Hon'ble High Court in its order, dated 23/03/2021 directed the State Level Scrutiny Committee to comply with the orders of the Hon'ble High Court, dated 07/11/2016 and to complete the verification of Scheduled Tribe Community Certificate of UCO Bank employee within three months.

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6.3.As per the order of the Hon'ble Court, the petitioner was called for to appear before the State Level Scrutiny Committee for enquiry on 14/03/2022 and the petitioner appeared before the State Level Scrutiny Committee and made deposition. Subsequently, the Anthropologist associated with the District Vigilance Cell has stated that the petitioner belonging to Oddar community. Therefore, the Director, Tribal Welfare, Chennai, in his Letter in Na.Ka.No.TD/B3/3892/2021, dated 19/07/2022 has forwarded the enquiry report of the Deputy Superintendent of Police, Social Justice and Human Rights Wing, Scheduled Castes/Scheduled Tribes Vigilance Cell, Madurai Region along with Anthropologist report and concluded that the petitioner could not substantiate his community claim, vide Letter Na.Ka.No. 120(46)/SJ&HR/Thanjavur/2017, dated 09/04/2022 after issuing show cause notice to the petitioner.

6.4. As per the guidelines issued by the Supreme Court of India in ***Kumari Madhuri Patil Vs. Additional Commissioner, Tribal Development (JT 1994 (5) SC 488), dated 02.09.1994***, upon receipt of the report from the Vigilance Officer, if the claim of social status is found



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to be **not genuine, doubtful, spurious, or falsely/incorrectly claimed**, the competent authority (Director concerned) shall issue a **show cause notice**. Such notice must be accompanied by a copy of the Vigilance Officer's report and shall be served on the candidate either by **Registered Post with Acknowledgement Due (RPAD)** or through the Head of the concerned educational institution or employer where the candidate is studying or employed.

6.5.The petitioner, after receipt of the show cause notice, sent a reply on 18/07/2022, but not submitted any valid evidence to substantiate his community claim. The verification by the State Level Scrutiny Committee in respect of the brother of the petitioner namely S.Ramamoorthy and his sister S.Guruvammal was based on the procedures, which prevailed at that point of time namely before 2012, without referring to the Scheduled Castes/Scheduled Tribes Vigilance Cell, which came to the effect from 15/10/2012, vide G.O(Ms)No.106, Adi Dravidar and Tribal Welfare Department, dated 15/10/2012. Since the Scheduled Castes/Scheduled Tribes Vigilance Cell was not in operation prior to 15/10/2012, any documents adverse to the Scheduled



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Tribe community claim of the petitioner cannot be treated as conclusive, especially in the absence of a detailed enquiry conducted in the manner prescribed under law.

6.6.The Deputy Superintendent of Police relied the following records before coming to the conclusion on the petitioner's claim:-

- 1.Anthropologist Report.
- 2.School Transfer Certificate of the petitioner.
- 3.Community Certificate of the petitioner.
- 4.Deposition of the petitioner's relatives.
- 5.Service Register of the petitioner's brother.
- Thiru.R.Manoharan, S/o.Ramasamy.
- 6.Deposition of the petitioner.
- 7.*Family Tree given by the petitioner.*

Based on the request made by the employer, namely UCO Bank, the State Level Scrutiny Committee called upon the District Collector, Ramanathapuram, to forward the original records relating to the issuance of the community certificate, along with the report of the Revenue



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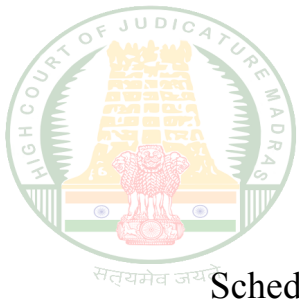
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Divisional Officer concerning the petitioner. Notwithstanding the fact that the petitioner had been issued a permanent Community Certificate dated 05.09.2008, the State Level Scrutiny Committee proceeded to refer the matter to the Vigilance Cell, Madurai Region, for the purpose of conducting an enquiry and submitting a report.

6.7.The State Level Scrutiny Committee examined number of documents, enclosed along with the report of the Vigilance Cell, which were adverse to the petitioner's claim of belonging to the Scheduled Tribe community.

6.8.The 1st respondent therefore states that the certificate produced by the petitioner is not a genuine one and therefore, the writ petition is liable to be dismissed as devoid of merits.

7.The fourth respondent filed a separate counter stating that they requested the Government to verify the genuineness of the community certificate, vide letter, dt.19.1.2019 and on verification, it was found that the petitioner does not belong to Hindu Kattu Naickan-



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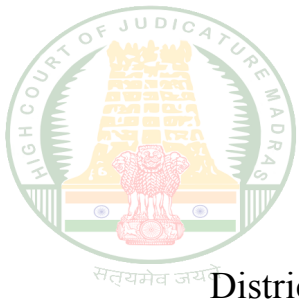
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Scheduled Tribe community. The petitioners' action before the Hon'ble Court is nothing, but abuse of process of law. The petitioner is liable for the action to be taken by the fourth respondent and therefore, the writ petition is liable to be dismissed.

8.The petitioner and the respondents reiterated their contentions in the oral argument.

9.Heard both sides.

10.G.O(Ms)No.106, was issued by the Adi Dravidar and Tribal Welfare (CV I) Department, dated 15/10/2012 in order to protect the welfare of the genuine Scheduled Castes/Scheduled Tribes people from the false claimants based on the guidelines issued by the Honourable Supreme Court of India in *Madhuri Patel and another Vs Additional Commissioner, Tribal Development and others* to suit the conditions prevailing in Tamilnadu. Accordingly, in supersession of the orders and guidelines issued on the subject, the Government have issued G.O. (2D)No.108, dated 12.9.2009 and modified the constitution of the



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District Level Vigilance Committee and State level Scrutiny Committee as well as their functions as detailed therewith:-

“2.As per the Supreme Court direction, the Vigilance Cells have not been constituted to verify the community status of the persons belonging to Scheduled Castes/Scheduled Tribes and to submit its report to the District Level Vigilance Committee/State Level Scrutiny Committee. Hence, the District Level Vigilance Committee/State Level Scrutiny Committee utilizes the services of the Revenue Officials, such as Tahsildars/Revenue Divisional Officers for making spot enquiry about the individual's Scheduled Castes/Scheduled Tribes community status going to their place and submits the reports of the competent Committee.

3.While so, the Hon'ble Bench of Madras High Court in various Writ Petition Nos.20277/2011, 17002/2011, 25148/2011 filed by Tv1.P.Vinoth, S.Saraswathi and V.Sampangiramiah respectively has set aside the proceedings of the State Level Scrutiny Committee when the Community Certificate was declared as not genuine stating that the State Level Scrutiny Committee has not obtained the spot enquiry report of the



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Vigilance Cells as directed by the Supreme Court and also directed that it is high time that the Government should take note of the same and constitute vigilance cells with qualified personnel to decide about the communal status of the candidates so as to head off the repetition of such sort of decisions given by the State Level Scrutiny Committee in a half-hearted manner”. Further in W.P No.16325 of 2012 and M.P No.1 of 2012 filed by Thiru.R.P.Arul Vs. The Secretary to Government, Adi Dravidar and Tribal Welfare Department had directed to constitute a Vigilance Cell citing its earlier orders of the Hon'ble Division Bench of Madras High Court passed in W.P No.20277 of 2011 filed Thiru.P.Vinoth Vs. Sub-Collector, Ranipettai.

4.In consonance of the orders of the Supreme Court of India and as per the directions of Hon'ble Bench of Madras High Court, Madras in the above Writ Petitions, the Government after careful examination have decided to constitute Vigilance Cells and also to modify the functions of the Committees ordered in G.O.(2D)No.108 Adi Dravidar and Tribal Welfare Department dated 12.09.2007.



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and also provides certain guidelines for the Scrutiny Committee to enquire into the community certificate if authentication is questioned.

11.On a perusal of the report submitted by the Adi Dravidar and Tribal Welfare Department, and upon verification of the genuineness of the Hindu Kattunayakan community certificate issued to the petitioner, viz., Durai Raj, it is seen that the Committee conducted a detailed enquiry. The Committee recorded the statements of the petitioner, his sisters, his brother, neighbours, and other relevant persons, and also collected several material documents. Based on the statements of witnesses Nos.9, 10, 11, 12, 13, 14, 18, 19, 22, 23 and 24, along with documentary evidence marked as D17, D30, D34, D35, D36, D40 and D45, the Committee came to the conclusion that the petitioner does not belong to the Hindu Kattunayakan Scheduled Tribe community.

12.The following documents are relied by the State Level Scrutiny Committee:-

i.Copy of the petitioner's School Transfer Certificate dated 03.07.1978 issued by the Headmaster,



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*S. Government High School, Paramakudi, (10th Standard failed), in which the community name was mentioned as **Kattunaicker** and corrected as **Kattunaicken** attested by Headmaster.*

*ii.Copy of the Community Certificate issued to petitioner's father Thiru.R.Subban, S/o.Thiru.Raman, by the Headquarters Deputy Tahsildar, Paramakudi, in which the community name was mentioned as **Kattunaicker**.*

*iii.Extract of the School Admission and withdrawal register in respect of petitioner's sister Tmt.Kannathal, D/o.Thiru.Subban, (studied 2nd Standard to 5th Standard from 1953 to 1956) attested by the Headmistress, R.C.Yadhava Primary School, in which the community name was mentioned as Hindu **Harijan (Totti)**.*

iv.Extract of the School Admission and withdrawal register in respect of petitioner's sister Tmt.Guruvammal, D/o.Thiru.Subban (studied 1st Standard to 5th Standard from 1953 to 1960) attested by the Headmistress, R.C.Yadhava Primary School, in



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*which the community name was mentioned as **Hindu Harijan (Totti).***

*v.Extract of the School Admission and withdrawal register in respect of petitioner (studied 1st Standard to 7th Standard from 1964 to 1972) attested by the Headmistress, R.C.Yadhava Primary School, in which the community name was mentioned as Hindu **Maravar, corrected as Kattunayakan.***

*vi.Extract of the School Admission and withdrawal register in respect of petitioner (studied 1st Standard to 5th Standard from 1963 to 1968) attested by the Headmistress, R.C Yadhava Primary School, in which the community name was mentioned as **Hindu Ottam.***

*vii.Extract of the School Admission and withdrawal register in respect of petitioner's brother Thiru.S.Ramamoorthy, S/o.Thiru.Subban (studied 1st Standard to 8th Standard from 1961 to 1970) by the Headmistress, R.C.Yadhava Primary School in which the community name was mentioned as Hindu **Ottar (Kattunayakan).***



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viii.Extract of the School Admission and withdrawal register in respect of petitioner's sister Tmt.S.Lakshmi, D/o.Thiru.Subban (studied 1st Standard to 4th Standard from 1959 to 1963) attested by the Headmistress, R.C.Yadhava Primary School in which the community name was mentioned as **Hindu Harijan**.

ix.Extract of the School Admission and withdrawal register in respect of petitioner's brother Thiru.S.Ramamoorthy, S/o.Subban (studied 8th Standard to 9th Standard from 1970 to 1974) attested by the Headmistress, R.C.Yadhava Primary School in which the community name was mentioned as **SC Kattunayakan**.

x.Copy of the School Transfer Certificate dated 08.06.1960 in respect of the petitioner's sister Tmt.Mookammal (studied 3rd Standard) issued by the Headmaster, Government Higher Secondary School, Paramakudi, in which the community name was mentioned as **Hindu Harijan**.

xi.Copy of the School Transfer Certificate dated 13.06.1967 in respect of the petitioner's sister



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*Tmt.Guruvammal (studied 11th Standard) issued by the Headmaster, Government Higher Secondary School, Paramakudi, in which the community name was mentioned as **Hindu Ottan (Harijan)**.*

*xii.First page of Service Register of petitioner's aunt Tmt.Chitthrayee in which the community name was mentioned as **Otta Naicker**.*

xiii.The Sub Registrar, Paramakudi, in his letter addressed to the Deputy Superintendent of Police, Scheduled Castes/Scheduled Tribes Vigilance Cell, Madurai Region has reported as follows:-

“பரமக்குடி நகர பிறப்பு பதிவேடு முறையே 1953 ஆம் ஆண்டு பதிவேட்டின் வரிசை எண்.486 –ல் 28.08.1953 ஆம் நாள் திரு.சுப்பன் – திருமதி.போடம்மாள் தம்பதியர்க்கு பெண் குழந்தை பிறந்துள்ள பதிவை 07.09.1953 –ல்பதிவு செய்யப்பட்டுள்ளதில்இன்ன தேசத்தையும், இன்ன சாதியையும் சேர்ந்ததென்ற கலத்தில் பாரதீ இந்து ஒட்டநாயக்கர் என பதிவு செய்யப்பட்டுள்ளது.”

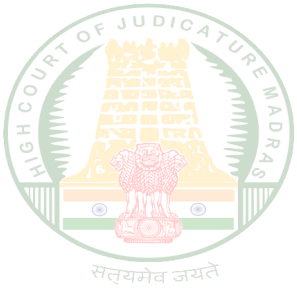


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13.The petitioner was examined by the Scrutiny Committee. It reveals from his statement that his sister Guruvammal, was employed as a Postmaster in Arupukottai Post Office and retired from the service. His brother Ramamoorthy was also employed in Canara Bank and retired from service and his brother Selvaraj employed in a Middle School in Uchanenthal and his another elder sisters Mookammal was also employed as front line worker in Paramakudi Municipal Corporation. One another Sister Lakshmi (since deceased). Most of his sibling were Government employees. The petitioner is also a Bank employee.

14.According to the petitioner, he pursued his initial Primary education at R.C.Yadhavar Primary School, from 6 to 9 Standard at Government Higher Secondary School. In the year 1982, he joined as a Peon in UCO Bank and subsequently retired from service as a Cashier. Based on his statement, the Scrutiny Committee collected various documents from the school records of the petitioner, his sisters and brothers and found that the caste of the petitioner, as well as that of his brothers and sisters had been recorded under different names in the said records.



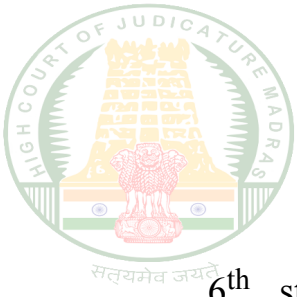
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15.It is the further contention of the petitioner that already the petitioner and his sister filed suits in OS Nos.60 and 63 of 1991 for mandatory injunction praying for issuance of community certificate in a revised format and both obtained decree in their favour. Based on the decree, the authorities issued community certificate on the revised format.

16.In support of his contention, the learned counsel for the writ petitioner further relied on the judgment, dated 19/04/1994 rendered in O.S Nos.60 and 63 of 1991, in which a common judgment was passed.

17.On a bare perusal of the judgement rendered in OS No.60 and 63 of 1991 by allowing the petitioner's claim, it revealed that the petitioner and his sister namely Guruvammal had produced certain documents in support of their contention. However they failed to produced several other documents which had been collected by the Vigilance Committee, before the Court for its consideration namely the extract of the School Admission and withdrawal register in respect of the petitioner's sister Tmt.Guruvammal, D/o.Subban (studied 1st standard to



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6th standard from 1953 to 1960) attested by the Headmistress, R.C.Yadhava Primary School, in which the community name was mentioned as Hindu Harijan (Totti). Likewise, the extract of the school admission and withdrawal register in respect of the petitioner (studied 1st standard to 7th standard from 1964 to 1972) attested by the Headmistress, R.C.Yadhava Primary School, in which the community name was mentioned as Hindu Maravar, corrected as Kattunayakan. The extract of the School Admission and withdrawal register in respect of the petitioner (studied 1st Standard to 5th Standard from 1963 to 1968) attested by the Headmistress, R.C.Yadhava Primary School in which the community name was mentioned as Hindu Ottan. Extract of the School Admission and withdrawal register in respect of the petitioner's brother Thiru.S.Ramamoorthy, S/o.Thiru.Subban (studied 1st standard to 8th standard from 1961 to 1970) attested by the Headmistress, R.C.Yadhava Primary School in which the community name was recorded as Hindu Ottar (Kattunayakan). Extract of the school admission and withdrawal register in respect of petitioner's sister Tmt.S.Lakshmi, D/o.Thiru.Subban (studied 1st Standard to 4th Standard from 1959 to 1963) attested by the



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Headmistress, R.C.Yadhava Primary School in which the community name was recorded as Hindu Harijan. Copy of the School Transfer Certificate, dated 08/06/1960 in respect of petitioner's sister Tmt.Mookammal (studied 8th standard to 9th standard from 1970 to 1974) attested by the Headmistress, R.C.Yadhava Primary School in which her community was recorded as SC Kattunayakan. Copy of the School Transfer Certificate, dated 13/06/1967 in respect of the petitioner's sister Tmt.Guruvammal (studied 11th Standard) issued by the Headmaster, Government Higher Secondary School, Paramakudi, in which her community name was recorded as Hindu Ottan (Harijan). These facts were affirmed by Smt.Pushpa Rani, Headmistress of R.C.Yadavar Primary School (witness number 14), Smt.Saroja, Headmistress, Ramnad District, Government Girls Higher Secondary School (witness number 15), Umar Farooq, Headmaster, RS Government Higher Secondary School, Ramnad (witness No.16), Thiru Justin Ghanekar, Headmaster, Ayira Vaisya Higher Secondary School (witness No.17).



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18.Further, the Sub Registrar of Paramakudi, addressed a communication to the Deputy Superintendent of Police, Scheduled Castes/Scheduled Tribes, Vigilance Cell, Madurai, enclosing an attested copy of Register of the Birth in the year 1953 in S.No.486, dated 28/08/1953, which was marked as D31. A perusal of the said document reveals that a child was born to Subban and Boddammal, the parents of petitioner on 07/09/1953, wherein their nationality and caste name have been recorded as Hindu Otta.

19.The Committee further procured and a produced the service register of one Chitthrayee who is the sister of Tr.Subban and paternal aunt of petitioner who was served as frontline worker, in Paramakudi Municipality during 1950. In the said Service Register certificate, her community is recorded as 'Otta Naicker'. Further, in the community certificate issued to Tr. Subban, his father's name was recorded as Ramar. Likewise, in the service book of Chitthrayee, her father's name is also recorded as Raman which establishes that both Subban and Chitthrayee siblings. The relationship of Chitthrayee with the petitioner has been admitted by the petitioner.



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20.It is the bounden duty of the petitioner to establish his social status by producing cogent and reliable evidence, including the family tree and the community certificates of his close blood relatives, such as his father's and mother's relatives, including paternal and maternal uncles. However, the petitioner has failed to produce any such supporting documents.

21.Further, the petitioner has taken a plea that he is not aware of anything about his father's or mother's relatives. Such a plea is wholly untenable and unacceptable, as it is highly improbable that a person would have no knowledge whatsoever of his own close family lineage. This evasive stand itself creates serious doubt regarding the genuineness of his claim.

22.On the contrary, he has relied upon the community certificates obtained subsequently in respect of his brothers and sisters, which cannot be treated as conclusive proof of his own community status. Moreover, it is evident that the petitioner has deliberately suppressed the material particulars, particularly his earlier school records



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and those of his siblings, wherein different community descriptions were recorded at the time of their admission. Such suppression of vital records, coupled with the plea of ignorance regarding his own family background, and reliance on subsequently obtained certificates, casts a serious cloud over the credibility of the petitioner's claim.

23.The independent witness examined by the Vigilance Committee has categorically deposed that the petitioner and his parents do not belong to the Kottanayakar community. The said witness has further stated that the family deity worshipped by the members of the Kottanayakar community is entirely different from that of the petitioner's family. They further deposed that the petitioner and family belong to Ottar community.

24.It is specifically deposed that the petitioner's family does not worship the deity traditionally revered by the Kottanayakar community, instead, their family follows a completely different deity. This vital distinction in customary religious practice, which is a significant indicator of community identity, clearly disproves the



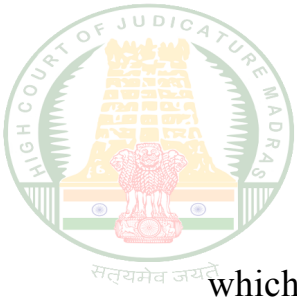
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petitioner's claim. Thus, the consistent and unshaken testimony of the independent witness, coupled with the difference in family deity, strongly establishes that the petitioner does not belong to the Kottanayakar community.

25.Further, the Anthropologist's Report submitted by the Assistant Professor read as follows:-

“Based on the Ethnographic data, the petitioner Durai Raj, S/o.Subban was originally belong to Naicker Caste Migrant people from Karnataka and Andhra Pradesh and came to Madurai Region during 16th Century. They speak Telugu language. His name or the place where he lived is not a tribal area. Generally, in Madurai, Ramnad, Tirunelveli areas, the nine Kambalathu Naickers are found living more than lakhs of living. He is originally belonging to “Oddar Community”. This community sometimes called themselves as “Otta Naicker”, which fall under MBC category including Rajakambalam, Golluvar, Sillavar, Thockalavar and Thozhava Naicker (List 35), but what he got community certificate as Scheduled Tribe is not Genuine.”



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which clearly concludes that the petitioner does not belong to the Kottanayakar community, but instead belongs to a different community, viz., Ottar community, classified under the Most Backward Classes (MBC) category by the Government. This expert opinion, based on scientific and ethnological analysis, carries significant evidentiary value and further discredits the claim made by the petitioner.

26.The petitioner has not disputed that, in his initial school records, his caste was recorded as he belonging to the *Ottar* community. Subsequently, he furnished a different date of birth and re-enrolled in the same school, wherein his caste was recorded as *Maravar*. This entry was later altered and shown as *Kattunaickan* community. The petitioner has further failed to establish that his ancestors were permanent residents of Tamil Nadu.

27.The findings of the Enquiry Committee reveal that the father of the petitioner, at the time of admitting the petitioner and his siblings into school, declared different caste identities for different children, such as *Maravar*, *Ottar*, and *Harijan*. Subsequently, these



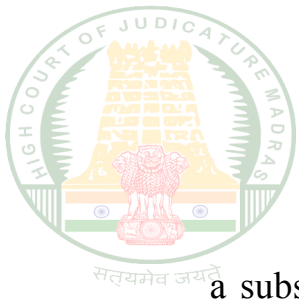
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entries were altered and recorded as *Kattu Nayakar*. This conduct gives rise to a reasonable presumption that, with a view to obtaining preferential benefits and employment opportunities, varying community statuses were deliberately declared for the children.

28.During the enquiry conducted by the Vigilance Scrutiny Committee, the petitioner did not offer any explanation regarding the different caste names recorded for himself, his brother, and his sisters at the time of their admission in school. He has also not disputed the caste status of his paternal aunt. However, he repeatedly contended that he and his sister, Guruvammal, had obtained a mandatory injunction from a competent Civil Court directing the issuance of a revised community certificate, and that the said Court had affirmed their claimed community status; therefore, according to him, the Scrutiny Committee has no authority to revisit or re-examine the same.

29.The decree obtained by the petitioner and his sister is only for mandatory injunction, which is not equivalent to declaration of title of their community. It is only a remedial order, whereas the declaration is



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a substantial adjudication of right of the party. Mandatory injunction is governed under Section 39 of the Specific Relief Act. It is an order directing the parties forcing a specific act, whereas declaration is substantial adjudication of the party's right.

30.The issue that arises for consideration before this Court is whether the order passed by the Civil Court is binding on the Scrutiny Committee, and whether, after obtaining such an order, the Scrutiny Committee is precluded from conducting any further enquiry into the matter.

31.Determination of a person's community status is not within the jurisdiction of ordinary Civil Courts. It is an administrative function entrusted to,Revenue authorities (for issuance), and State Level / District Scrutiny Committees (for verification).

32.It is well settled that Civil Courts in India do not possess jurisdiction to conclusively determine the caste/community status of an individual. At best, a Civil Court may pass a **mandatory injunction**



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directing the competent authority to issue a community certificate based on materials then placed before it. However, such a decree does not constitute a final or binding adjudication of caste status, nor can it override statutory mechanisms of verification entrusted to the competent authority. Further, if such certificates are obtained by fraud, it vitiates everything, the very foundation of the claim collapses. If the Scrutiny Committee concludes that a community certificate has been obtained by **misrepresentation or fraud**, then the evidentiary value and binding force of any decree of the Civil Court based on such a certificate stand vitiated. Once the Scrutiny Committee, which is the designated and **final fact-finding authority** on caste status, records a finding that the certificate was procured by fraud or misrepresentation, any civil court decree if any, loses its binding force. Any certificate issued pursuant to such a decree becomes void and liable to be cancelled. The earlier direction of the Civil Court cannot operate a bar against the statutory verification. The Scrutiny Committee is vested with wide power and deserve powers, including conducting a detailed and independent enquiry, verifying genealogical records and lineage, examining anthropological and ethnological traits, scrutinizing school, service and



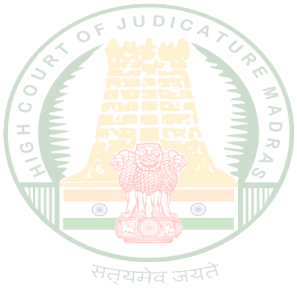
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other contemporaneous records, and cancelling certificates found to be false or fraudulently obtained. Thus, the determining of caste status rests with the Scrutiny Committee and its findings, particularly in cases of fraud, prevail over any prior civil suit decree.

33.The learned counsel appearing for the writ petitioner has relied upon the judgment of the Division Bench of this Court in ***K.Navamani and others Vs. The District Collector, Collectorate and others (2022)5 LW 385***, wherein para 8 and 15, it has been held as follows:-

“8.He further pleaded that the respondents have considered materials which are irrelevant and have ignored the declaration issued in his favour. That apart, by issuing a separate direction for taking appropriate steps to cancel the community certificate issued to the first petitioner, the respondents are trying to set aside a valid decree passed by a Civil Court as affirmed by this Court and they are trying to sit over a Judgment and Decree of this Court. Hence, sought



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to set aside the order passed by the respondents herein and direct them to issue a community certificate to the second and third petitioners declaring them as Hindu Kattunayakan community. In support of his contention, he placed reliance on the judgment of the Hon'ble Apex Court reported in 2014(5) SCC 75.

15.It is pertinent to note that the said certificate issued to the first petitioner was based upon a Judgment and Decree of a Civil Court which has been confirmed till this Court. If the claim of the respondents that they are entitled to verify the genuineness of the said certificate is permitted, then it would amount to indirectly permitting them to revisit the decree of declaration granted by this Court I.e., to set aside a declaratory decree issued by a Competent Civil Court by the respondents who act as a quasi judicial authority. We are afraid that we cannot permit a quasi judicial authority to review a declaratory decree granted by a Competent Civil Court. Therefore,



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a positive direction issued by the District Collector to take appropriate proceedings for cancellation of the certificate issued in favour of the first petitioner is wholly illegal and without jurisdiction. The respondents have no authority whatsoever to verify the genuineness of the certificate which was issued pursuant to a declaratory decree granted by a Civil Court and upheld by this Court.”

34.However, the above said decision is not applicable to the present case, as in the above case, the petitioner already filed a suit seeking declaration that he belonged to Hindu Kattunayakan community and for mandatory injunction for permanent community certificate. In this case, the petitioner and his sister filed suits for mandatory injunction, based on the community certificate already issued to them and with a prayer seeking for issuance of community certificate in the revised format and therefore, the above said judgment referred to by the writ petitioner is not applicable to the case on hand.



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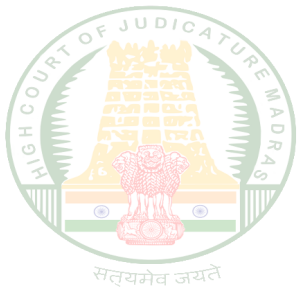
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35.The learned Additional Government Pleader appearing for the respondents 1 to 3 has relied upon the judgment of the Hon'ble Apex Court in ***Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar and another reported in (2008)9 SCC 54***, wherein it has been held in para 30, 31, 32, 34, 35, 36, 37 and 39 as follows:-

“30.Principle of res judicata is undoubtedly a salutary principle. Even a wrong decision would attract the principle of res judicata. The said principle, however, amongst others, has some exceptions, e.g., when a judgment is passed without jurisdiction, when the matter involves a pure question of law or when the judgment has been obtained by committing fraud on the court.

31.In Williams v. Lourdusamy and Anr. [(2008) 5 SCC 647], this Court stated the law, thus:

"11.The principles of res-judicata although provide for a salutary principle that no person shall be harassed again and again, have its own



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limitations. In O.S. No. 402 of 1987, the respondent No. 2 was not impleaded as a party. In his absence therefore, the issue as to whether respondent No. 2 had entered into an oral agreement of sale or not could not have been adjudicated upon. The said Court had no jurisdiction in that behalf. If that was decided in the said suit, the findings would have been nullities."

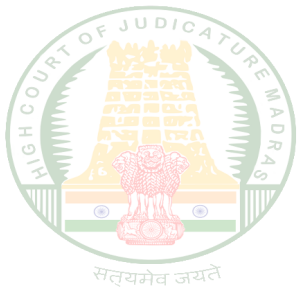
32.Two legal principles which would govern a case of this nature, are:

(i) A decision rendered without jurisdiction being a nullity, the principle of res judicata shall not apply.

(ii) If a fraud has been committed on the court, no benefit therefrom can be claimed on the basis of thereof or otherwise.

33.....

34.A Three - Judge Bench of this Court in [Ashok Leyland Ltd. v. State of Tamil Nadu and Anr.](#) [(2004)3SCC1], held:



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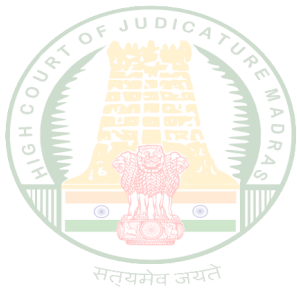


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"118.The principle of res judicata is a procedural provision. A jurisdictional question if wrongly decided would not attract the principle of res judicata. When an order is passed without jurisdiction, the same becomes a nullity. When an order is a nullity, it cannot be supported by invoking the procedural principles like, estoppel, waiver or res judicata."

[See also Dwarka Prasad Agarwal (D) By LRs. And [Anr. v. B.D. Agarwal and Ors. \(2003 \) 6 SCC 230](#), [Union of India v. Pramod Gupta \(2005\) 12 SCC 1](#), and [National Institute of Technology and Ors. v. Niraj Kumar Singh \(2007\) 2 SCC 481](#)]

35.So far as the second principle, noticed by us, is concerned, there is no dearth of authority. Fraud vitiates all solemn acts. When an order has been obtained by practising fraud on the court, it would be a nullity.



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36.In [Ganpatbhai Mahijibhai Solanki](#)
[v. State of Gujarat and Ors.](#) [(2008) 3 SCC
556], this Court held:

"It is now a well settled principle that fraud vitiates all solemn acts. If an order is obtained by reason of commission of fraud, even the principles of natural justice are not required to be complied with for setting aside the same."

It was further observed:

*"In [T. Vijendradas and Anr. v. M.](#)
[Subramanian and Ors.](#), [(2007)8 SCC 751] this Court held;*

"27. ...When a fraud is practiced on a court, the same is rendered a nullity. In a case of nullity, even the principles of natural justice are not required to be complied with. [[Kendriya Vidyalaya Sangathan and Ors. v. Ajay Kumar Das and Ors. & A. Umarani](#) v. Registrar, Cooperative societies and Ors. [(2004)7 SCC 112]



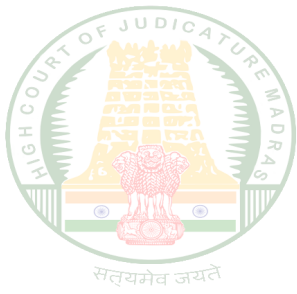
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28. Once it is held that by reason of commission of a fraud, a decree is rendered to be void rendering all subsequent proceedings taken pursuant thereto also nullity, in our opinion, it would be wholly inequitable to confer a benefit on a party, who is a beneficiary thereunder...."

37. In [K.D. Sharma v. Steel Authority of India Ltd. and Ors.](#) [2008 (10) SCALE 227], this Court opined:

"Reference was also made to a recent decision of this Court in [A.V. Papayya Sastry and Ors. v. Govt. of A.P. and Ors.](#) (2007) 4 SCC 221. Considering English and Indian cases, one of us (C.K. Thakker, J.) stated:

"22. It is thus settled proposition of law that a judgment, decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order --by the first Court or by the final Court-- has to be treated



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as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.

The Court defined fraud as an act of deliberate deception with the design of securing something by taking unfair advantage of another. In fraud one gains at the loss and cost of another. Even the most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam."

38.....

39. We may at this juncture notice some decisions of this Court where the question at hand has been discussed. In [State of Maharashtra and Others v. Ravi Prakash Babulalsing Parmar and Another](#) [(2007) 1 SCC 80], this Court held:



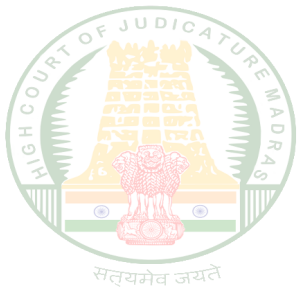
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"23.The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter.

24.We, with respect, fail to appreciate the approach of the High Court as it proceeded on the premise that once the surname of the respondent



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tallied with the name of the tribe, which finds mention in one or the other entries of the Schedule appended to the 1976 Order; the same must be treated to be sacrosanct and no enquiry in relation to the correctness of the said certificate can be gone into by any committee. The observations and directions of the High Court, in our considered opinion, were not only contrary to the judgments of the Court but also fall short of the ground realities.

25.Mr Arvind Savant, the learned Senior Counsel, would place strong reliance on a decision of this Court in Palghat Jilla Thandan Samudhaya Samrakshna Samithi and in particular paras 18 and 19 thereof, which read as under: (SCC p.365)

"18.These judgments leave no doubt that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or evidence let in to



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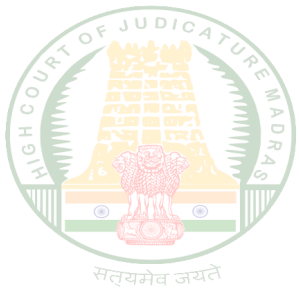


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determine whether or not some particular community falls within it or outside it. No action to modify the plain effect of the Scheduled Castes Order, except as contemplated by [Article 341](#), is valid.

19.The Thandan community in the instant case having been listed in the Scheduled Castes Order as it now stands, it is not open to the State Government or, indeed, to this Court to embark upon an enquiry to determine whether a section of Ezhavas/Thiyyas which was called Thandan in the Malabar area of the State was excluded from the benefits of the Scheduled Castes Order."

36.Further, the learned Additional Government Advocate relied on the judgment of the Hon'ble Apex Court in ***Navneet Kaur Harbhajansing Kundles @ Navneet Kaur Ravi Rana Vs. State of Maharashtra and others, rendered in Civil Appeal No(s).2741-2743 OF 2024, DATED 04/04/2024***, wherein it has been held in para 17, 18, 19, 22 and 23 as follows:-

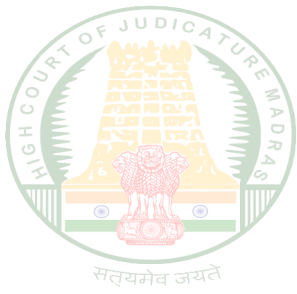


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“17.Having perused the order passed by the Scrutiny Committee and findings recorded by it to reach its subjective satisfaction with respect to claim of Appellant, at this juncture, if we look at the whole exercise carried out by High Court from the perspective of settled principles of law for invocation of jurisdiction under [Article 226](#) of Constitution of India, particularly in relation of writ of certiorari, it leaves us with no scope of doubt that the High Court has clearly overstepped by reappreciating the evidence in absence of any allegation of malafide or perversity. As fairly settled by this Court in catena of judgments, the writ of certiorari being a writ of high prerogative, should not be invoked on mere asking. The purpose of a writ of certiorari for a superior Court is not to review or reweigh the evidence to adjudicate unless warranted. The jurisdiction is supervisory and the Court exercising it, ought to refrain to act as an appellate court unless the facts so



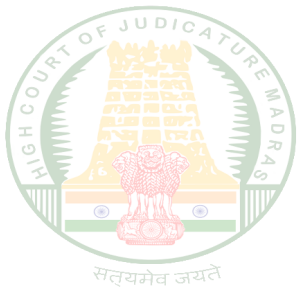
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warrant. It also ought not reappreciate the evidence and substitute its own conclusion interfering with a finding unless perverse. The High Court in a writ for certiorari should not interfere when such challenge is on the ground of insufficiency or adequacy of material to sustain the impugned finding. Assessment of adequacy or sufficiency of evidence in the case at hand, fell within the exclusive jurisdiction of the Scrutiny Committee and reagitation of challenge on such grounds ought not have been entertained by High Court in a routine manner.

18.As per the ratio of larger Bench judgment of this Court in 'Dayaram Vs. Sudhir Batham and Others., (2012) 1 SCC 333', it reveals that the Court while answering the question as to whether the Civil Courts' jurisdiction was rightly barred by judgment in Kumari Madhuri Patil (supra), observed that a Scrutiny Committee is not an adjudicating authority



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like a Court or Tribunal, rather it is an administrative body which verifies the fact, investigates into a specific caste claim and ascertains whether the caste claim is correct or not. It was further observed that permitting civil suits to challenge such proceedings with the provisions of appeal and further appeals would defeat the purpose of the scheme. However, such decisions were rightly made available to challenge in proceedings under [Article 226](#) of the Constitution of India 'which may be within the parameters for invoking the writ jurisdiction by High Court' in the judgment of Kumari Madhuri Patil (supra). Though at the same time, the said observation does not explicitly give a wide power in a writ of certiorari which is not within the purview of issuance of such writ merely because of decision of Scrutiny Committee is under challenge.

19.In sum and substance, the writ of certiorari is expended as a remedy and is intended to



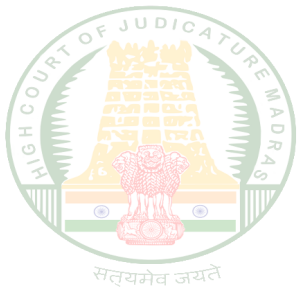
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cure jurisdictional error; if any, committed by the Courts/forums below. It should not be used by superior Court to substitute its own views by getting into fact finding exercise unless warranted. [See Central Council for Research in [Ayurvedic Sciences and Another Vs. Bikartan Das and Others](#), 2023 SCC OnLine 996 – Para 51 and 52; [Syed Yakoob Vs. K.S. Radhakrishnan](#), AIR 1964 SC 477 – Para 7]. At this juncture, it would also be profitable to refer relevant extract from judgment delivered by this Court in [‘Indian Overseas Bank’](#) (supra), wherein para 17, it was observed as thus–

“17.....The findings of fact recorded by a fact-finding authority duly constituted for the purpose and which ordinarily should be considered to have become final, cannot be disturbed for the mere reason of having been based on materials or evidence not sufficient or credible in the opinion of the writ Court to warrant those findings at any rate, as long as they are based upon such materials which are relevant for



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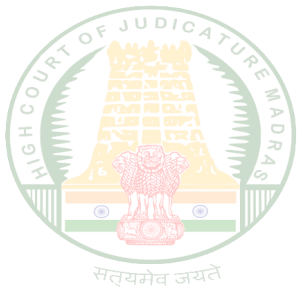


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the purpose or even on the ground that there is yet another view which can be reasonably and possibly undertaken.....”

Such being the situation, in the instant case, the High Court went into a probe regarding credibility of the opinion of the Scrutiny Committee because the writ Court felt the need to substitute it's own views. In case if the findings of the Scrutiny Committee are based on the materials specified under Rule 16 followed by its subjective satisfaction, then exercise of jurisdiction under writ of certiorari to quash the order of validation of caste claim by Scrutiny Committee is unwarranted and uncalled for.

22.In view of the aforesaid discussion, we are of the considered opinion that High Court inadvertently undertook an erroneous exercise of appreciating evidence in exercise of its jurisdiction under [Article 226](#) of Constitution of India and swayed



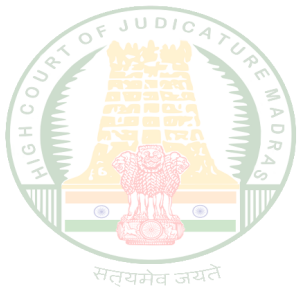
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itself into a roving inquiry which was not expected as per settled legal position. At the cost of repetition, we again observe that under Rule 13(2)(a) of 2012 Rules, the adjudication on the basis of the documents falls solely within the domain of Scrutiny Committee based on the inputs received from the Vigilance Cell. The Scrutiny Committee is an expert forum armed with fact finding authority. The High Court ought not to have interfered, especially when Scrutiny Committee had followed the due procedure under Rule 12, 17 and 18 of the 2012 Rules and that there was nothing perverse about a finding of fact.

23.In the instant case, the Scrutiny Committee duly considered the documents placed before it and after due application of mind on being satisfied, accorded reasons for accepting/validating the caste claim of the Appellant herein while accepting/rejecting other certain documents. The Scrutiny Committee heard all the parties in detail



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complying with the principles of natural justice.
Hence, in our considered opinion, the order of
Scrutiny Committee did not merit any interference by
the High Court in a 'writ of certiorari' under [Article](#)
[226](#) of Constitution of India."

37.Further, in the judgment of the Hon'ble Apex Court in
Kumari Madhuri Patil and another Vs. Addl. Commissioner, Tribal
Development and another reported in (1994)6 SCC 241, in para 18 and
19 the court observed that

"18.The delay in the process is inevitable
but that factor should neither be considered to be
relevant nor be an aid to complete the course of study.
But for the fact that she has completed the entire
course except to appear for the final examination, we
would have directed to debar her from prosecuting the
studies and appearing in the examination. In this
factual situation no useful purpose would be served to



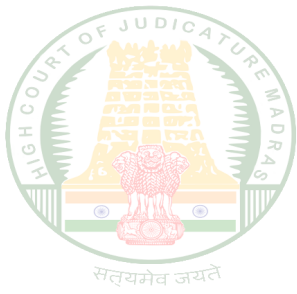
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debar her from appearing for the examination of final year MBBS. Therefore, we uphold the cancellation of the social status as Mahadeo Koli fraudulently obtained by Km Suchita Laxman Patil, but she be allowed to appear for the final year examination of MBBS course. She will not, however be entitled in future for any benefits on the basis of the fraudulent social status as Mahadeo Koli. However, this direction should not be treated and used as a precedent in future cases to give any similar directions since the same defeats constitutional goals.

19.In the case of Madhuri Laxman Pitil, she did not approach the competent officer. She appears to have wrongly gone to an officer who had no jurisdiction, obviously she has shown the order issued by the High Court in favour of her sister Suchita and secured the certificate and got the admission. Though she is in midway of her study in BDS in the end of



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second year, she cannot continue her studies with her social status as Mahadeo Koli, a Scheduled Tribe and the concessions which she might have got on that account. If she was eligible for obtaining admission as a general candidate she may continue her studies. Therefore, we uphold the cancellation and confiscation of her and of Suchitra of social status as Mahadeo Koli ordered by Scrutiny Committee and affirmed by the order of Appellate Authority and that of the High Court in that behalf. Subject to the above modifications, the appeal is dismissed without costs.”

38.The above judgements have conclusively held that the Civil Court has no jurisdiction to adjudicate upon the community status of an individual.

39.Further, the principal contention of the writ petitioner is that his elder sister Guruvammal, and his brother Ramamoorthy had already been subjected to verification by the Scrutiny Committee and were



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declared to belong to the Hindu Kattunayakan community. However, the respondents have categorically stated that such verification was conducted in accordance with the guidelines prevailing at the relevant point of time. It is further contended that their cases were not subjected to verification by the Scheduled Castes/Scheduled Tribes Vigilance Cell, the constitution of which was mandated with effect from 15.10.2012, vide G.O.(Ms) No.106, Adi Dravidar and Tribal Welfare Department, dated 15.10.2012.

40.As per the aforesaid Government Order, a Vigilance Scrutiny Committee was specifically constituted, and its functions were clearly delineated. The Government Order further provides that the decision of such Committee shall be final and conclusive, subject only to judicial review under Article 226 of the Constitution of India, and that no suit or other proceedings before any other authority shall be maintainable.

41.In the present case, the petitioner's father, who was employed in Government service, did not obtain a community certificate



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at the earliest point of time. It is seen that he secured such a certificate only in the year 1967. However, the earlier community certificate allegedly issued to Subban has not been produced before this Court. On the contrary, the school records disclose that the petitioner's father had declared different caste identities for his daughters, as well as for the petitioner and his brother, and that subsequent alterations were also made therein. The basis on which the said community certificates came to be issued remains unexplained.

42.Further, the birth certificate of one of Subban's children categorically records the community as Hindu Ottar. In addition, several independent witnesses examined by the Scrutiny Committee have consistently deposed that the petitioner and his family do not belong to the Hindu Kattunayakan community. The petitioner has failed to satisfactorily explain or rebut the authenticity and evidentiary value of the documents collected and relied upon by the Scrutiny Committee. Instead, the petitioner has merely contended that the issue had already been adjudicated in O.S. Nos.61 and 63 of 1991. This Court, however, finds that the said community certificates were obtained by playing fraud.



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43.This Court is therefore constrained to draw an adverse inference that the petitioner's father had secured the community certificate with the intention of obtaining Government employment and related benefits for his children by suppressing their true community status. The materials on record further indicate that the petitioner supported such conduct, and that a majority of the family members similarly obtained community certificates through fraudulent means and availed Government employment on that basis.

44.Article 16 of the Constitution of India guarantees equality of opportunity in matters of public employment and permits the State to make special provisions for disadvantaged groups. In particular, Article 16(4A) provides that nothing in Article 16 shall prevent the State from making provisions for reservation in matters of promotion, with consequential seniority, in favour of Scheduled Castes and Scheduled Tribes, if, in the opinion of the State, they are not adequately represented in the services under the State.



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45.The Constitution (Seventy-Seventh Amendment) Act, 1995, inserted Article 16(4A), thereby enabling reservation in promotions for members of the Scheduled Castes and Scheduled Tribes. It is pertinent to note that reservation in promotion for SCs and STs has been in practice since 1955, and the said amendment constitutionally reinforced and validated such provisions.

46.These provisions were enacted with the object of extending fair opportunities and constitutional benefits to genuinely vulnerable sections of society. However, instances such as the present case reveal that certain individuals, like the petitioner, have misused the statutory framework by suppressing their true community status and fraudulently obtaining community certificates.

47.The procedure for issuance of a community certificate mandates that the Village Administrative Officer (VAO), upon receipt of the application along with supporting documents, shall conduct a field enquiry and submit a recommendation. Thereafter, the Tahsildar or the Zonal Deputy Tahsildar, being the competent authority, is required to scrutinize the report submitted by the VAO.



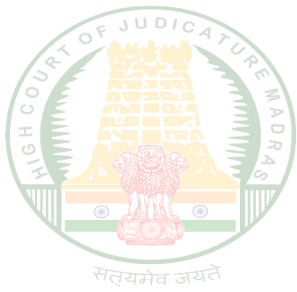
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48.At the initial stage, the VAO examines documents such as parental school certificates, existing community certificates, ration cards, and other relevant records. Based on the verification report, the Tahsildar shall either approve or reject the application. Upon approval, the Tahsildar affixes his/her digital signature and issues the community certificate through the online system. In cases relating to Scheduled Tribes, the Tahsildar forwards the verified application to the Revenue Divisional Officer for final issuance of the certificate.

49.As per G.O.Ms.No.517, PL-M Department, dated 14.05.1985, powers were delegated to Deputy Tahsildars and Independent Deputy Tahsildars to issue community certificates in respect of Scheduled Castes, Scheduled Tribes, and Backward Classes for the period between 14.02.1957 and 13.05.1985.

50.In the present case, it is evident that the community certificates issued to the petitioner and his sister were not subjected to proper verification and were granted by the concerned authority in a mechanical manner, without due application of mind.



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51.This Court is of the considered view that there is a pressing need for statutory provisions imposing penal consequences not only on individuals who obtain false community certificates but also on officials who issue such certificates negligently or without proper verification. Such accountability alone would act as an effective deterrent against the issuance of fraudulent community certificates.

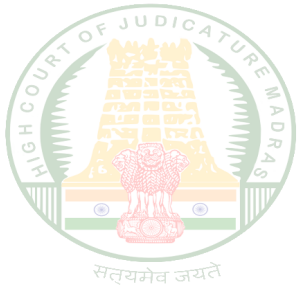
52.The writ petition has no merit and deserves to be dismissed.

53.In the result, the writ petition stands **dismissed**. No costs.
Consequently connected Miscellaneous Petition is closed.

(R.P., J.)
07.04.2026

Index : Yes / No
NCC : Yes / No

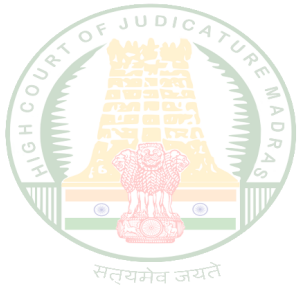
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1. The Secretary,
The Tamil Nadu State Level Scrutiny Committee II,
Adi Dravidar & Tribal Welfare Department,
Naakkal Kavingar Maligai,
Secretariat, Chennai-9.
2. The District Collector,
Ramanathapuram District,
Ramanathapuram.
3. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District.
4. The Deputy General Manager & Zonal Head,
UCO Bank, Zonal Bank,
Vijay Towers, 1st Floor, 22 Father Randy Street,
R.S.Puram, Coimbatore -641 002.
5. The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.



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R.POORNIMA, J.

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07.04.2026