
(2010) 10 MAD CK 0073
In the Madras High Court
Case No : Writ Petition No. 20256 of 2002

R. Jayachandran	Vs	APPELLANT
The Andhra Bank		RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 MAD CK 0073

Hon'ble Judges : F.M. Ibrahim Kalifulla, J

Bench : Single Bench

Advocate : K. Doraisamy for Muthumani Doraisamy, for the Appellant; S. Jayaraman, for the Respondent

Final Decision : Allowed

Judgement

F.M. Ibrahim Kalifulla, J.—The Petitioner is aggrieved against the Letter No. 666/3/E/1143 dated 22.03.2002 issued by the Respondent-Bank.

2. The Petitioner joined the services of the Respondent-Bank as Clerk-cum-Cashier on 09.06.1984 under the reservation category of Scheduled

Tribes. The Petitioner claims to belong to "Konda Reddy" community, which is notified as Scheduled Tribes. At the time of his appointment, as

directed by the Respondent-Bank, the Petitioner produced a Community Certificate in the prescribed format, which Certificate was issued by the

Revenue Divisional Officer, Chengalpet. The said Certificate dated 08.11.1984 reads as under:

Sri.R. Jayachandiran, son of V. Rengasamy and his family ordinarily reside in Kalpakkam Village of Chengalpet District of the State of Tamil Nadu

3. The Petitioner, after production of the above Certificate dated 08.11.1984 in

the prescribed format, continues to serve in the Respondent-Bank

till this date. By order dated 12.01.2002, the Petitioner was promoted to the Officer cadre in Junior Management Grade Scale-I. The said order

of promotion took effect from 02.01.2002.

4. Subsequently, the impugned letter dated 22.03.2002 came to be issued by which after pointing out that his promotion was against the provision

of reservation, the latest caste certificate in original has to be submitted within three months for verification of caste status by the appointing

authority in compliance of the Government guidelines.

5. It is further stated that the certificate has to be obtained from the authorities of the Petitioner's native place. The letter further stated that the

Petitioner's promotion was subject to the submission of the latest caste certificate in original. It is as against the said direction made by the

Respondent in the letter dated 22.03.2002, the Petitioner has come forward with this writ petition.

6. Mr. Doraisamy, learned senior counsel for the Petitioner, in his submissions stated that when once the Petitioner was directed to produce the

Community Certificate in the prescribed format of the Respondent-Bank, there was no necessity for producing another Certificate from the

competent authority, so long as the Certificate originally produced at the time of appointment, continues to remain in force.

7. According to the learned senior counsel, there was no right in the Respondent-Bank to seek for production of another Community Certificate

from an authority of the native place of the Petitioner at time of the Petitioner's promotion. In support of his submission, the learned senior counsel

relied upon the decisions reported in 1984 WL.R.535 S.P. Sakthi Devi v. The Collector of Salem, Salem etc.), R. Kandasamy Vs. Chief

Engineer, Madras Port Trust, (2) T.N.L.J. 90 The State of Tamil Nadu District Collector, Erode v. K. Navamani and 2002 (1) CTC 403 Dr. Ve.

Manohar v. The District Collector, Sivagangai District.

8. The learned senior counsel also contended that the prescriptions contained in paragraph 13.2, 13.3 and 13.4 of the Brochure for Scheduled

Caste and Scheduled Tribe, have no application to the facts of this case, inasmuch as the Petitioner complied with the prescriptions contained in

the said Brochure and it is not the case where the Respondent-Bank doubted the

genuineness of the earlier Community Certificate dated

08.11.1984 produced by the Petitioner in order to invoke Clause 13.3 or 13.4 of the said Brochure.

9. Mr. Jeyaraman, learned standing counsel for the Respondent-Bank on the other hand submitted that the present impugned letter was issued by

the Respondent-Bank in the light of the prescription contained in Clause 13.4 of the Brochure, which empowers the appointing authority to verify

the caste status of Scheduled Caste/Scheduled Tribe Officer at the time of initial appointment as well as subsequent promotion against the

vacancies reserved for Scheduled Caste/Scheduled Tribe. The learned Counsel would therefore contend that the issuance of the impugned letter

by the Respondent-Bank cannot therefore be found fault with.

10. Having heard the learned Counsel for the respective parties and having perused Clause 13.2, 13.3 and 13.4 of the Brochure for Schedule

Caste and Scheduled Tribe and the averments contained in paragraph 7 of the Respondent's counter-affidavit and after perusing the material

papers namely, the Community Certificate and the impugned letter, I find force in the contention of the learned senior counsel for the Petitioner.

11. At the very outset, it will have to be stated that a reading of the impugned letter dated 22.03.2002 does not even remotely suggest that the

Respondent-Bank developed any doubt as regards the community status of the Petitioner as "Konda Reddy" or the Certificate dated 08.11.1984

produced by the Petitioner in the prescribed format of the Respondent-Bank.

12. A reading of Clause 13.2 of the Brochure makes it clear that a candidate, who claims to belong to Scheduled Caste or Scheduled Tribe, and

was unable to produce a Community Certificate from the prescribed authorities, may be provisionally appointed on the basis of whatever prima

facie proof produced by the candidate at the time of his selection subject to the candidate furnishing the Community Certificate in the prescribed

format within a reasonable time. Further, if there was any genuine difficulty for the candidate to obtain a certificate, the Appointing Authority should

himself verify the community status through the District Magistrate concerned. The said clause, when examined in the light of the facts narrated

above, has no application to the case of the Petitioner.

13. Clause 13.3 of the Brochure states that if the appointing authority for any

reason considers to verify the claim of a candidate as to his ordinary residence through the District Magistrate and if after the appointment, in any particular case, the verification reveals that the candidate's claim was false, the said clause empowers the Appointing Authority to terminate the services of the candidate in accordance with the relevant Rules/Orders.

14. As we are concerned with the claim of the Respondent-Bank in the impugned letter for production of fresh Community Certificate from the native place of the Petitioner, the said Clause 13.3. also does not apply.

15. From what is stated in paragraph 7 of the counter affidavit, it reveals that under Clause 13.4, the Appointing Authority has every right to verify the caste status of an Officer belonging to Scheduled Caste or Scheduled Tribe both at the time of initial appointment as well as at the time of

promotion against the vacancies reserved for Scheduled Caste and Scheduled Tribe. As per Clause 13.4, such a verification was necessary in

order to ensure that the benefit of reservation and other schemes of concession meant for Scheduled Caste/Scheduled Tribe should be conferred

on the rightful claimants and not to false claimants. Clause 13.4. therefore only empowers the Appointing Authority to seek for production of a

Community Certificate through the concerned authority, who issued the Certificate, in order to ensure that such benefits of reservation are applied

only to the genuine Scheduled Caste/Scheduled Tribe claimants. Therefore, none of the above referred to clauses, namely, 13.2, 13.3 and 13.4

have any application to the case on hand.

16. As stated earlier, it is not the case of the Respondent-Bank that there was any doubt in regard to the community status of the Petitioner or the

Certificate dated 08.11.1984 issued by the prescribed authority, namely, the Revenue Divisional Officer, Chengalpet in the prescribed format of

the Respondent-Bank.

17. In such circumstances, so long as the said Certificate holds good, there is no need or necessity for the Respondent-Bank to direct the

Petitioner to secure yet another Community Certificate and that too from the native place of the Petitioner. The prescribed format of the

Respondent-Bank itself stipulates that the authority, who has got jurisdiction over the place where the concerned candidate and his family ordinarily

resides should certify the community status of the candidate concerned. In the

case on hand, the Certificate dated 08.11.1984 discloses that the Petitioner and his family ordinarily resided in the Village of Kalpakkam of Chengalpet District in the State of Tamil Nadu, as certified by the Revenue Divisional Officer, Chengalpet, within whose jurisdiction the said Village Kalpakkam was located. Having regard to the said fact, I do not find any justification in the Respondent-Bank in having issued the impugned letter dated 22.03.2002.

18. In this context, the decision of a Division Bench of this Court relied upon by the learned senior counsel for the Petitioner reported in 1984

Writ.L.R.535 can be usefully referred. In paragraph 10, the Division Bench, after detailed examination of the issue relating to Community

Certificate, has held as under:

Hence, it is held that:

1. A Caste/Community certificate issued by an empowered public authority under seal continues to be a valid document till it is cancelled by the

said authority or by his superior authority.

2. Their contents are to be treated as correct and every public authority, undertakings, bodies, institutions, etc., which are bound by institutions

relating to such certificates, are bound to act upon them, so long as they are not cancelled.

19. In a subsequent Division Bench decision reported in R. Kandasamy Vs. Chief Engineer, Madras Port Trust, , it was held as under in paragraph

6:

6. In our opinion, the Community Certificate issued to a Scheduled Tribe candidate by the Tahsildar prior to 11.11.1989 is good and a valid

Community Certificate for all purposes so long as such a certificate is not cancelled. The authorities cannot decline to take that into consideration

and insist upon a fresh Community Certificate from the Revenue Divisional Officer.

20. Applying the above said rulings also, it can be safely held that the action of the Respondent-Bank, in seeking for a fresh Community Certificate

at the time of his promotion, cannot be sustained. The writ petition stands allowed and the impugned order is set aside. No costs.