

(2002) 10 MAD CK 0182
In the Madras High Court
Case No : Writ Petition No. 23616 of 2001

R. Usha Rani

APPELLANT

Vs

The Bank of Baroda

RESPONDENT

Date of Decision : 11-10-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 10 MAD CK 0182

Hon'ble Judges : P.K. Misra, J

Bench : Single Bench

Advocate : N. Kannadasan, for the Appellant; N.A., for the Respondent

Judgement

P.K. Misra, J.—Heard the counsel appearing for the petitioner.

2. In spite of notice there is no appearance on behalf of the respondent.

3. In this writ petition the petitioner has prayed for a Writ of Mandamus to give promotion to the petitioner and extend all other benefits by treating her as belonging to Scheduled Tribe community.

4. Learned counsel appearing for the petitioner has submitted that merely because there has been subsequent suspicion regarding the community certificate which had been issued in favour of the petitioner long back, the respondent withheld the service benefits such as promotion, confirmation etc., for the aforesaid purpose. Learned counsel for the petitioner relied upon the decision in W.P. No. 14668 of 1992 dated 4-4-1997 (T.MADHIVANAN AND OTHERS Vs. RESERVE BANK OF INDIA, MADRAS), wherein it has been observed as follows:

"Mere pendency of proceedings by the Revenue Authorities in order to find out the genuineness of the community certificates obtained earlier by the petitioners is not a ground to postpone the confirmation of the services of the petitioners. If the Collector or other competent Revenue Authorities submit reports adverse to

the petitioners" case and if there is no stay or any other order by this Court with regard to the said reports, the respondent is at liberty to initiate such actions as may be available in accordance with law..."

5. Learned counsel for the petitioner has also referred to the decision reported in R.KANDASAMY Vs. THE CHIEF ENGINEER, MADRAS PORT TRUST J.T. (1997) 7 660, wherein it has been observed by the Supreme Court that so long as the certificate already issued is not cancelled in the manner known to law, such certificate is taken to be valid for all purposes. In view of the aforesaid decision which has been followed in W.P. No. 5621 of 2001 dated 12-06-2002, the writ petition is disposed of with the observation that so long as the community certificate issued in favour of the petitioner is not cancelled in accordance with law, the petitioner should be treated as a member of the Scheduled Tribe and should be entitled to get all service benefits including the question of sanction of various loans etc. The respondent should consider the question of promotion of the petitioner in accordance with law.

6. Learned counsel for the petitioner had also submitted that on an earlier occasion there was an enquiry relating to the community certificate of the petitioner and the Revenue Divisional Officer has submitted a favourable report and therefore there is no necessity for verifying the community certificate again. This matter is to be considered by the appropriate authority while considering the question of initiating any proceeding for cancellation of the community certificate.

P.K. Misra, J.

7. Learned counsel for the petitioner also submitted that the prayer of the petitioner for transfer is not being considered on account of the dispute relating to community certificate. As already indicated, the mere fact that some doubt has been raised relating to the community certificate is not a ground for not considering the question of transfer or question of promotion. It is also submitted that the petitioner has already been selected in 1995 for promotion and the question of promotion and appropriate posting should now be considered within a period of two months from the date of receipt of a copy of this order. Subject to the aforesaid observation, the writ petition is disposed of. Consequently, W.P.M.P. No. 34875 of 2001 is closed.