
(2000) 06 MAD CK 0044

In the Madras High Court

Case No : Writ Petition No. 10358 of 1993 and W.M.P. No. 15835 of 1993

S. Veeramuthu

APPELLANT

Vs

The District Collector and Another

RESPONDENT

Date of Decision : 27-06-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : AIR 2001 Mad 49

Hon'ble Judges : Y. Venkatachalam, J

Bench : Single Bench

Advocate : S.M. Loganathan, for the Appellant; S. Vadivel, Government Advocate (for No. 1), V.R. Gopalan, (for No. 2), for the Respondent

Final Decision : Dismissed

Judgement

Y. Venkatachalam, J.—This writ petition is filed by the writ petitioner one Veeramuthu invoking Article 226 of the Indian Constitution to set aside the impugned order dt. 22-3-1993 passed by the first respondent the District Collector, Chengalpattu M.G.R. District, by which the community certificate of the petitioner was cancelled. In support thereof, the writ petition has filed an affidavit, wherein he narrated all the facts and circumstances that forced him to file this writ petition and requested the Court to allow the writ petition.

2. On the other hand the second respondent has filed a counter affidavit rebutting all the material allegations levelled against them one after another and requested the Court to dismiss the matter for want of merits.

3. The arguments of the learned advocate for the petitioner together with the arguments of the learned Government Advocate and the arguments of the learned advocate for the 2nd respondent are heard.

4. The point that arises for consideration is as to whether there are any valid grounds to allow the writ petition or not.

5. Point: I have gone through the entire materials available on record, particularly with regard to the contents of the affidavit, counter affidavit, besides the contents of the materials available in the typed set of papers, such as the impugned passed by the first respondent. I have also kept in mind the various grounds that are urged by the learned advocate for the petitioner before me during the course of arguments. Having seen from the materials available on record the salient features of the present case are as follows :

6. It is the case of the petitioner that he joined the services of the second respondent, i.e., Integral Coach Factory at Madras and at the time of joining in the service he produced a community certificate issued by the Tahsildar as if he belonged to Kattu Naicken" community, which is as one among the scheduled tribe communities and while he was in service, the General Manager of Integral Coach Factory at Madras by a letter dt. 3-4-1989 addressed to the Collector. Chengalpattu M.G.R. District requested to verify the correctness and truthfulness of the community certificate furnished by the petitioner at time of his selection before the respondent Integral Coach Factory. On the basis of the complaint received from the authority, the Collector initiated proceedings in this matter and passed orders directing the Revenue Divisional Officer, Saidapet to conduct an enquiry into the matter. The Revenue Divisional Officer, Saidapet had a detailed enquiry into the matter as to whether the community certificate furnished by the petitioner, which was issued by the Tahsildar, Saidapet is a genuine one or not and as to whether he belonged to one among the scheduled Tribe communities or not.

7. It is significant to note that the Revenue Divisional Officer, Saidapet conducted a detailed enquiry and perusal the materials and having examined all the material document available during the course of the enquiry the enquiry officer came to a conclusion that the petitioner did not belong to the scheduled tribe communities and in fact the relevant materials available during the course of the enquiry clearly established beyond doubt that he belongs to forward community and to that effect, he submitted a report to the competent authority. Thereafter, the Collector, after perusing the contents of the enquiry report furnished by the Revenue Divisional Officer, Saidapet and after giving notice to the petitioner, cancelled the community certificate issued by the Tahsildar, in favour of the petitioner. Aggrieved by the cancellation of the certificate the petitioner has filed this writ petition invoking Article 226 of the Indian Constitution.

8. Now, I would like to examine the correctness legality and validity of the order passed by the first respondent - the Collector of Chengai M.G.R. District. The following are the admitted facts : The first respondent - Collector of the Chengai M.G.R. District never passed any adverse order against the petitioner without conducting any enquiry. The collector, based on the enquiry placed before him by the Revenue Divisional Officer, Saidapet, came to a conclusion that the certificate furnished by him is a forged one. Moreover, the enquiry conducted by the Revenue Divisional Officer is not an ex parte enquiry. He conducted a detailed

enquiry and the documentary material also were examined. In fact, as seen from the writ petitioner's SSLC book and its first page there is no entry against the column of caste, As per the Government Order, the entry in the first page of the SSLC register as against the column of date of birth and the caste are the material-entries, the name of the caste recorded in the first page of the SSLC register against the column "caste" is considered to be valid for the purpose of deciding the caste of any individual. In the present case on hand, the entry in the first page of the SSLC book as against the column "caste" is blank. That itself is a clear proof that there is nothing in favour of the petitioner.

9. Another significant aspect to note is that the revenue records would disclose as to which community the petitioner belongs. The competent authority to issue community certificate of caste is only the Revenue Divisional Officer and not the Tahsildar.

10. Now, I would like to examine the contents of the impugned order passed by the Collector of the Chengalpattu MGR District. The said order is a very detailed order In about nine pages where in ail the material aspects have been dealt with one after another and in fact, he discussed with regard to entries in the first page of the SSLC book. He also discussed with regard to the other documents available in the revenue records of the village and also examined the relevant documents filed in support of the claim of the petitioner during the course of enquiry.

It is another significant aspect to note that the xerox copy of the transfer certificate of the brother of the petitioner was also examined and the entry with regard to the caste of the petitioner's brother did not tally and the statement given by the grandfather of the petitioner was also examined and that is contradictory to the statement of the petitioner.

11. Each and every document that is placed before the enquiry officer clearly makes out the case that the petitioner does not belong to the scheduled tribe community, but he belongs to forward caste community and he produced a false community certificate issued by the Tahsidar, Saidapet as if he belongs to the scheduled tribe community.

12. It is another significant aspect to note that to issue a community certificate as per the standing orders passed by the Government of Tamil Nadu - the competent authority is not below the rank of the Revenue Divisional Officer or Sub Collector and the Rules are very clear that any officer below the rank of Deputy Collector or the Revenue Divisional Officer is not competent to issue any caste certificate. Here the caste certificate that is furnished by the petitioner Is issued by the Tahsildar, who has no power to issue the said certificate. The certificate furnished by the petitioner issued by the Tahsildar, Saidapet is not valid in law, since the Tahsildar, Saidapet is not empowered to issue such a caste certificate.

13. When once there is a dispute or doubt with regard to the correctness or

truthfulness of the community certificate filed by any public servant, an enquiry should be conducted. In the present case on hand, after conducting the full enquiry and on the basis of the enquiry report only final orders have been passed by the Collector, Chengalpattu MGR District. This report is not an ex parte enquiry report. The petitioner participated in the enquiry. All the material documents that were placed before the enquiry officer had been carefully examined and the order passed by the first respondent is well considered order touching the factual position of the case on hand, besides the provision of law.

14. I have carefully examined all the material documents available on record and I have also carefully considered the points that were urged before this Court by the learned advocate for the petitioner and seen the entire materials available on record and I am of the view that the first respondent's act in cancelling the community certificate furnished by the petitioner on facts and on law, is perfectly valid and needs no interference and the point is answered against the petitioner.

15. In the result, the writ petition is dismissed. Interim stay granted in W.M.P. No. 15835 of 1993 and made absolute thereafter, is withdrawn with immediate effect.