

(2012) 11 MAD CK 0044
In the Madras High Court
Case No : Writ Petition No. 27752 of 2011

T. Kannammal

APPELLANT

Vs

Chairman, State Level Scrutiny Committee

RESPONDENT

Date of Decision : 27-11-2012

Acts Referred:

Citation : (2013) 2 MLJ 708

Hon'ble Judges : R. Karupiah, J;Chitra Venkataraman, J

Bench : Division Bench

Advocate : Parthiban for Paul and Paul, for the Appellant; R. Rajeswaran, Special Government Pleader, for the Respondent

Judgement

Chitra Venkataraman, J.—The petitioner seeks writ of certiorari to quash the impugned order of the respondent dated 28.9.2011, whereby

the respondent herein has rejected the prayer of the petitioner for issuing community certificate that she belongs to "Kondareddis" community. It is

seen from the narration of the facts that as early as 1993, the Collector, Coimbatore has cancelled the community certificate of the petitioner.

Challenging the same, the petitioner filed the writ petition in W.P. No. 6853 of 1993, wherein this Court directed the petitioner to submit an appeal

to the State Level Scrutiny Committee. In the year 2009, the State Level Scrutiny Committee called upon the petitioner to appear for verification

afresh. Ultimately on 30.7.2009, the State Level Scrutiny Committee passed an order cancelling the community certificate. Once again the

petitioner approached this Court in W.P. No. 12548 of 2010, whereby, this Court by order dated 6.7.2010 pointed out that although the

petitioner had sought for adjournment, the petitioner was not informed about the rejection of the said prayer. This Court, further pointed out that

the petitioner had not been favoured with the report of the Revenue Divisional Officer before the same was relied upon by the committee. In the circumstances, while setting aside the order, the State Level Scrutiny Committee was directed to furnish the copy of the report of the Revenue Divisional Officer, so as to enable the petitioner to defend her case. Thus, the order of the State Level Committee was set aside.

2. Admittedly, the petitioner was favoured with the copy of the Revenue Divisional Officer dated 7.6.2008 and had the benefit of hearing before

the respondent. In support of her claim, the petitioner submitted copy of the secondary school leaving certificate as well as affidavits obtained from

various residents of Pasur Village. The petitioner contended that Pasur, being a reserved constituency, it is clear as a native of the said village, the

petitioner was entitled to have the community certificate being issued that the petitioner belonged to "kondareddis" community. The respondent,

however, rejected the plea of the petitioner by stating that except for producing affidavits and deposition from the public of the native of Village

Pasur, the petitioner had not produced any certificate or materials in support of the claim that she belonged to "kondareddis" community. The State

Level Scrutiny Committee examined the documents produced by the individual, report of the Revenue Divisional Officer, Tirupur and views of the

Anthropologist at the time of enquiry. Further, at the time of enquiry, the Anthropologist report did not favour the petitioner. Aggrieved by the

same, the petitioner has come before this Court by way of writ petition.

3. Learned counsel appearing for the petitioner stressed the fact that being a native of Pasur Village, it being a reserved constituency, the

respondent committed a serious error in ignoring the petitioner's claim for issuing the community certificate, when the petitioner belonged to

"kondareddis" community. Thus, apart from that, the petitioner submitted that affidavits filed before the respondent evidence that the petitioner

belonged to "kondareddis" community.

4. We do not find that the affidavits from the public obtained by the petitioner could be taken as valid evidence for the purpose of granting relief to

the petitioner. It is seen from the order of the respondent herein that it had rejected the claim of the petitioner on the ground that the petitioner had

not placed any material to substantiate the claim that she belonged to

"kondareddis" community. In so holding, it referred to the report of the Revenue Divisional Officer, Tiruppur and views of Anthropologist at the time of enquiry. When the State Level Committee relies upon documents, based on the enquiry, we feel, in fairness to the claim of the petitioner, it should have furnished the copy of the documents to the petitioner, so that principle of natural justice is fully complied with.

5. As far as the report of the Revenue Divisional Officer is concerned, evidently, the same was furnished after the order of this Court passed in

W.P. No. 12548 of 2010 dated 6.7.2010. When the respondent passed an order on 28.9.2011 referring to the view of the Anthropologist, we

feel that the respondent, in fairness to the claim of the petitioner, it should have furnished copy of the same to the petitioner, so as to enable her to defend her case.

6. Apart from that, it may be seen that under G.O. (Ms) No. 106, Adi Dravidar and Tribal Welfare (CV 1) Department dated 15.10.2012, the

Government has constituted vigilance cell and modified the functions of the Committees ordered in G.O. (2D) No. 108 Adi Dravidar and Tribal

Welfare Department dated 12.9.2007 to verify the certificate issued to a person. In the context of the Government Order thus passed, before

taking final decision on the claim of the petitioner, the State Level Committee shall have the benefit of report from the State Level Vigilance

Committee too. Wherever any such report is given, the same shall be furnished to the petitioner in compliance of principle natural justice and follow

the procedure as laid down in the Government Order and pass orders accordingly.

7. In the circumstances, we set aside the order of the respondent on the above aspects and we hereby direct the respondent to furnish copy of the

view of the Anthropologist as well as report received from the State Level Vigilance Committee to the petitioner and post the matter afresh for

rehearing and proceed with the matter in accordance with law. With the above observation, the writ petition is disposed of. No costs.