(2003) 01 MAD CK 0033

In the Madras High Court

Case No : Writ Petition No. 8874 of 1999 and W.M.P. No. 12576 of 1999

V. Jayabal APPELLANT

Vs

The Revenue Divisional Officer RESPONDENT

Date of Decision : 24-01-2003

Acts Referred:
Constitution of India, 1950 — Article 226

Citation : (2003) 01 MAD CK 0033

Hon'ble Judges : E. Padmanabhan, J

Bench : Single Bench

Advocate : K. Baskaran, for M. Velusami, for the Appellant; V. Velumani, AGP, for the Respondent

Judgement

E. Padmanabhan, J.—The writ petitioner prays for the issue of a writ of prohibition prohibiting the respondent from embarking upon

verification proceedings regarding the petitioner''s social status.

2. Heard Mr. K. Baskaran, learned counsel appearing for the petitioner and Ms. V. Velumani, learned Additional Government Pleader appearing

for the respondent.

3. The petitioner claims that he is a member of Hindu Konda Reddy, a Scheduled Tribe, obtained a social status certificate from the Tahsildar of

Thuraiyur on 8.12.1977 after verification. The petitioner was selected by the Banking Services Recruitment Board and appointed as Clerk-cum-

Cashier in Canara Bank, which post he joined on 24.11.1983.

4. The State Government prescribed the Revenue Divisional Officer as the authority competent to issue social status certificate in respect of

Scheduled Caste and Scheduled Tribe on and after 11.11.1989. The employer Bank insisted for the production of social status certificate issued by the Revenue Divisional Officer in addition to the certificate issued by the local Tahsildar.

5. The petitioner filed W.P. No. 7917 of 1983 to restrain the employer bank from insisting for production of a fresh certificate from the Revenue

Divisional officer. Under certain interim orders the petitioner was permitted to join and continue to work in the bank. Subsequently, the said writ

petition was withdrawn. The petitioner was also required to appear before the Collector for verification of his social status, which the petitioner

appeared during 1992-1993 and the Collector was also satisfied. The petitioner was under the impression that the proceedings of verification is

over or complete once and for all.

6. On 5.4.99, the respondent issued a notice calling upon the petitioner to be present for verification of his social status. The petitioner, though he

was employed at Madras, went to his native village and waited. However, The Revenue Divisional Officer did not turn up. The petitioner was once

again, by notice dated 20.4.95, was called upon to attend the enquiry on 30.4.99 in his native village. However, the respondent did not turn up and

there was no enquiry. The petitioner, by letter dated 5.5.99 informed the respondent that he has no jurisdiction to hold an enquiry for verification.

According to the petitioner, the Revenue Divisional Officer is attempting to harass the petitioner by continuing the enquiry. The Revenue Divisional

Officer has not sent a copy of the Collector''s proceedings authorising to enquire.

7. It is contended that the respondent is neither the authority nor the jurisdiction to cause verification regarding the petitioner''s social status, which

has already been verified. There cannot be any endless verification and the petitioner cannot be harassed. It is also contended that the verification

of social status, if any, should be once at the time of appointment and not frequently or at the whim and choice of the employer or the respondent.

The verification cannot be an endless verification, which if permitted, would be disastrous. At any rate, the Revenue Divisional Officer has no

authority or jurisdiction after the constitution of the scrutiny committee by the orders of the State Government.

8. Per contra, the respondent has filed a counter denying various averments. According to the respondent, the Manager, Canara Bank, Chennai,

has requested the District Collector, Trichirappalli, to cause verification and report as to the genuineness of the social status certificate issued by the

Tahsildar on 8.12.1977 to the petitioner. The District Collector has directed the respondent to conduct the enquiry and report. The Revenue

Divisional Officer enquired the petitioner, Village Administrative Officer and other villagers with respect to the petitioner''s claim. After enquiry, the

then Revenue Divisional Officer had submitted a report to the District Collector setting out that the petitioner is not a member of Hindu Konda

Reddy, a Scheduled Tribe, but he is a member of Hindu Reddiar, a forward community.

9. Before the District Collector or the Committee could proceed further with the matter, the petitioner filed W.P. No. 7917 of 1983 and secured

certain interim orders. In view of the pendency, further action could not be continued. The said writ petition was dismissed as withdrawn. The

petitioner was called upon to appear before the District collector for personal enquiry. The petitioner contended that the Revenue Divisional

Officer, Musuri, has not conducted the enquiry in his presence, but conducted behind his back and, therefore, a fresh enquiry should be conducted

in the presence of the petitioner. Accepting the said contention, the District Collector once again directed the respondent to hold a fresh enquiry in

the presence of the petitioner. Hence, the petitioner was required to appear for enquiry at his native village. The contention that the District

Collector was satisfied is not correct and that the certificate is genuine is not correct and it is a false claim.

10. As per the directions issued by the District Collector, the respondent issued a notice to hold an enquiry and the contention that it is without

jurisdiction is devoid of merits. It is only the objection of the petitioner, which prompted the District Collector to order a fresh enquiry in the

presence of the petitioner. The present writ petition is an abuse of process of Court as it is an attempt to delay the proceedings. The respondent

further contended that there are absolutely no merits and the various contentions advanced by the petitioner are highly devoid of merits. It is further

stated that after enquiry the Revenue Divisional Officer will submit his report, the Collector will place the report before the Committee and the

District Level Scrutiny Committee according to G.O. 2D No. 8 Adi Dravida and Tribal Welfare Department dated 1.4.97. It is contended that the writ petition has been filed on a misconception by suggesting falsehood.

11. It is not necessary to refer to any further details. The only point that arise for consideration in this writ petition is :-

Whether the respondent''s action in holding an enquiry and calling upon the petitioner to appear for an enquiry with respect to the social status

claimed by the petitioner and verification is without jurisdiction and a writ of prohibition has to be issued ?

12. Concedingly, the social status issued by the Tahsildar has been referred to the District Collector by the Bank in which the petitioner is

employed. The District Collector on the earlier occasion ordered enquiry on the petitioner. There was an enquiry by the Revenue Divisional

Officer, who submitted the report. The petitioner appeared before the District Collector on receipt of notice for personal enquiry. At that stage the

petitioner contended that the Revenue Divisional Officer has conducted an enquiry behind his back and it is in violation of principles of natural

justice, besides relying upon pronouncements of this Court. In the light of the said contention, the District Collector has directed the Revenue

Divisional Officer, the respondent herein to conduct an enquiry in the presence of the petitioner and submit a report. The said proceedings was

pending in view of the pendency of the earlier writ petition filed by the petitioner, which came to be withdrawn ultimately. It is not as if the social

status certificate issued in favour of the petitioner has already been verified by the District Collector or the District Level Scrutiny Committee.

13. The claim of the petitioner that the Collector was satisfied and, therefore, he has dropped the proceedings is not factually correct as seen from

the counter affidavit. No orders have been passed so far by the District Collector with respect to the verification of the petitioner''s social status,

but the petitioner managed to delay the matter by filing the earlier writ petition and also he has been raising technical objections. It is clear that so

far the verification initiated long time back has not been completed and the verification is still pending in view of the delaying tactics adopted by the

petitioner. The claim of the petitioner to the contra cannot be sustained.

14. As set out in the counter affidavit, the Revenue Divisional Officer, the respondent herein, as per the orders of the District Collector, has called

upon the petitioner to appear for enquiry, while sustaining the objection advanced by the petitioner that earlier enquiry was behind his back. Having

raised such an contention and having sought for an opportunity and enquiry in his presence, it is too late in the day for the petitioner to contend that

the Revenue Divisional Officer has no jurisdiction. The Revenue Divisional Officer is not the authority to cancel the social status certificate already

issued, but as per the orders of the District collector, he is holding an enquiry, which has to be necessarily conducted in the presence of the

petitioner and, thereafter, a report will be forwarded to the District Collector. The District Collector in turn will place the report before the District

Level Scrutiny Committee and the Committee will follow the procedure prescribed, afford opportunity and, thereafter, pass such orders as the

facts of the case warrants. It is therefore clear that this writ petition is once again an attempt to delay the proceedings. The contention of the

petitioner is devoid of merits.

15. In the result, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

16. The Revenue Divisional Officer shall complete the enquiry in the presence of the petitioner and submit a report to the District Collector, who in

turn shall place the matter before the District Level Scrutiny Committee and which committee shall proceed according to law thereafter. There shall

be no further delay in this respect by the respondent and the petitioner shall not delay the matter any longer by filing any further writ petition or

other proceeding and such an action will have to be viewed seriously.