

**(2002) 08 MAD CK 0051**

**In the Madras High Court**

**Case No :** Writ Petition No. 20712 of 2000 and W.M.P. No. 30122 of 2000

V. Jayaprabha

APPELLANT

Vs

The Director of Technical Education, Guindy, Chennai, The  
Principal (Production Engineering), Anna University, Chennai  
and The District Collector, Collector's Office, Chennai

RESPONDENT

---

**Date of Decision :** 28-08-2002

**Acts Referred:**

**Citation :** (2002) 08 MAD CK 0051

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

**Bench :** Single Bench

**Advocate :** N. Kannadasan, for the Appellant; S.P. Prabhakaran, Addl. Govt.  
Pleader, for the Respondent

---

## **Judgement**

P.K. Misra, J.—Heard the learned counsel for the petitioner and Mr. Prabhakaran, Additional Government Pleader for the State.

2. Originally in the writ petition, the prayer was made to forbear the respondents from proceeding with the enquiry relating to cancellation of the

Community Certificate granted in favour of the petitioner.

3. The main ground on which the writ petition was based relates to the fact that on an earlier occasion, the petitioner had come to this Court in

W.P.No.14982 of 1997, wherein, on the basis of the Community Certificate already issued to her, this Court had directed the Director of

Technical Education to select her for admission to B.E. Course.

4. It is not in dispute that pursuant to aforesaid decision dated 22.10.1997, the petitioner has been admitted to B.E. Course and also passed the said course.

5. In W.P.No.20172 of 2000, at the time of entertaining the writ petition, an

order had been passed by this Court to the following effect:

.....further enquiry may go on. However, no final order need be passed till the disposal of this writ petition.

6. Unfortunately, however, before the order could be served on the respondents, it appears that the enquiry relating to cancellation of Community

Certificate had been concluded and the Community Certificate issued to the petitioner has been cancelled. Such subsequent event has been

brought to the notice of this Court by way of amendment which has been allowed by separate order today.

7. The next question, therefore, is whether the order passed by the District Level Vigilance Committee, Madras can be sustained or not.

8. In this connection, though several contentions have been raised by the learned counsel for the petitioner, it is unnecessary to deal with all those

contentions and in my opinion, the order passed by the District Level Vigilance Committee, consisting of two members cannot be sustained in view

of the decision of the Supreme Court in Kumari Madhuri Patila and another Vs. Addl. Commissioner, Tribal Development and others, where the

Supreme Court had laid down that a three member Committee should deal with such matters relating to cancellation. As a matter of fact, the

aforesaid decision of the Supreme Court has been followed in a similar case by the Supreme Court in the decision reported in Baswant Vs. State

of Maharashtra & Others JT 2000 (10) SC 280 wherein it was observed as follows:

In the affidavit in reply filed by the respondents, it has been pointed out that respondent no.1 firstly constituted Caste Certificate Scrutiny

Committee consisting of two members only. Hence, the constitution of the Committee was not in accordance with the decision rendered by this

Court in Kumari Madhuri Patila and another Vs. Addl. Commissioner, Tribal Development and others, . Thereafter, the State Government has

constituted a new Committee consisting of three members. In this view of the matter, the impugned order passed by respondent no.4, the Caste

Certificate Scrutiny Committee is required to be set aside and is accordingly set aside.

9. In view of the aforesaid two decisions of the Supreme Court, there cannot be any doubt that the decision of the two member Committee to

cancel the Community Certificate cannot be sustained.

10. It is however made clear that while considering the question as to whether there should be any further enquiry by the appropriate Committee,

the appropriate authority should take into account all relevant aspects including the decision of this Court in W.P.No.14982 of 1997 dated

22.10.1997.

11. It goes without saying that until any further action is taken in accordance with law, the petitioner should be treated as a member of the

Scheduled Tribe Community.

P.K. Misra, J.

12. The writ petition is accordingly disposed of, subject to aforesaid observations. No costs. Consequently, connected W.M.P is closed.