
(2003) 04 MAD CK 0161

In the Madras High Court

Case No : Writ Petition No. 2619 of 1999

V. Sampangiramaiah

APPELLANT

Vs

The Collector

RESPONDENT

Date of Decision : 07-04-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 04 MAD CK 0161

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : P. Mohan Raj, for the Appellant; P. Chandrasekaran, Special Govt. Pleader, for the Respondent

Final Decision : Allowed

Judgement

P.D. Dinakaran, J.—The petitioner seeks the issue of a writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent in Va.Pa.11/89 (F1) dated 29.1.1999, to quash the same and to direct the respondent to restore the petitioner's Community Certificate cancelled by the respondent.

2. Without going into the merits of the case, I am obliged to quash the impugned proceedings dated 29.1.1999 and remit the matter to the District Level Caste Vigilance committee, with a direction to hold an enquiry with regard to the request of the petitioner for issuance of community certificate, decide as to whether the petitioner belongs to Kurumans Community, which is a Schedule Tribe community, and pass appropriate orders on the same within six months from the date of receipt of a copy of this order, after giving fair and reasonable opportunity to the petitioner, in compliance of the principles of natural justice. The petitioner is directed to co-operate with the enquiry, failing which, the matter shall be proceeded with by the District Level Caste Vigilance Committee ex-parte. Applying the ratio laid down in the decision of the Apex Court in State of Tamil Nadu and others Vs. A. Gurusamy, and the decision of a Constitution Bench of

the Apex Court in STATE OF MAHARASHTRA V. MILIND reported in (2001) 1 SCC 4, it is made clear that the petitioner will not be entitled for any further promotion or any other benefit which are meant for Scheduled Tribe candidates, pending final decision in the above matter.

The writ petition is allowed. No costs.