

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.15195 of 2025

Bank of Baroda,
Represented by its Assistant General Manager,
Jeevan, V.L, S/o.Mr.Vidyadharan,
Zonal Office (Chennai Zone) Baroda Pride,
New No.41, 2nd floor,
Luz Church Road,
Mylapore,
Chennai - 600 004.

... Petitioner

Vs.

1. The Chairman,
Tamil Nadu State Level Scrutiny Committee & Secretary
to Government,
Adi Dravidar & Tribal Welfare Department,
Kavingngar Malligai, Secretariat,
Fort St.George, Chennai - 600
009.
2. The District Collector of Chennai,
4th Floor, M.Singaravelar Maaligai, 62, Rajaji salai,
Chennai Collectorate, Chennai - 600 001.
3. The District Collector,
Collector Office,
Raja Colony,
Tiruchirappalli - 620 001.

4. The District Collector,
Collector Office,
State Bank Road, Gopalapuram, Coimbatore
- 641 018.
5. The District Collector,
Collector Office,
Salem - 636 001.
6. S.Shanmugham
7. S.Senthamaraikannan
8. K.A.Mohanasamy
9. N.Rangaraj
10. M.Tamilarasu
11. N.Sakkubai
12. R.Krishnaveni
13. Kanagarajan
14. M.Gunasekaran
15. C.Nagalakshmi 16. V.Rajamani
17. M.Gandhi Raju
18. P.Rajasekaran
19. R.Shanthi
20. R.Murugavalli
21. R.Dhanasekar
22. K.Sathiyabhama
23. S.Keerthana
24. R.Veera Kumar
25. S.Kowsalya
26. K.Ravichandran
27. V.Ramasamy
28. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department, Fort
St.George,
Chennai - 600 009. [R28

suo motu impleaded by order
dated 25.04.2025 in W.P.No.15195 of 2025

by SMSJ & KRSJ] ... Respondents **Prayer:** Writ Petition filed under Article 226 of Constitution of India, seeking for an issuance of writ of mandamus, directing the 1st respondent to consider the various representations of the petitioner Bank, the latest being dated 11.03.2025 bearing reference No.RO:CRR:HRM:07:248 and determine the community status of the respondents 6 to 27 in a time-bound manner.

For Petitioner : Mrs.Revathi Manivannan

For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
: Mr.Vadivelu Deenadayalan
Additional Government Pleader for R1 to R5
& R28

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The writ of mandamus has been instituted to direct the 1st respondent to consider various representations of the petitioner Bank, the latest being dated 11.03.2025 bearing reference No.RO:CRR:HRM:07:248 and determine the community status of the respondents 6 to 27 in a time-bound manner.

2. The petitioner is Bank of Baroda.

3. The grievance of the petitioner Bank is that several employees have produced community certificate for securing employment under reservation quota and subsequently, the certificates are found to be bogus. Many such bogus community certificates are issued by the Government authorities and by using such certificates, public employment are secured illegally by several persons. In respect of persons identified relating to their bogus community certificates, actions are initiated.

4. The grievance of the petitioner Bank is that the State Level Scrutiny Committee, which is the competent authority to decide the genuinity of the community certificate is not disposing of the matters expeditiously, which is rising concern to the petitioner Bank, since they are bound to settle their retirement benefits who are in verge of retirement and facing charges.

5. In this context, the Government has to assess the work load of the State Level Scrutiny Committee and take efforts to ensure required number of Committees are constituted for the purpose of disposing of the enquiries pending. The Government is empowered to fix time line for disposal of these

applications. Court cannot fix such time line, since the work load and number of Committees functioning are to be assessed by the Government.

6. The issue is that many number of bogus Community Certificates are issued by the revenue authorities, which is also to be monitored by the Government and in the event of issuing such bogus certificates, the Authorities issuing must be held responsible and accountable.

7. It is brought to the notice of this Court that guidelines are issued by the Government in G.O.(Ms).No.104, Adi Dravidar and Tribal Welfare (CV-1) Department, dated 21.08.2023.

8. The Manual for issuance and verification of Scheduled Castes/Scheduled Tribes Community Certificates stipulates the following procedures which is to be followed scrupulously:

*"4. The Director, Tribal Welfare, on receipt of the report from the Vigilance Officer, if it is found that the claim for social status to be **"not genuine" or "doubtful" or "Spurious" or falsely or wrongly claimed**, the Director, Tribal Welfare should issue show cause notice supplying a copy of the report of the Vigilance Officer to the*

*candidate by **a registered post with acknowledgment due** or through the head of the concerned educational institution in which the candidate is studying or employed. The notice should indicate that the representation or reply, if any would be made **within two weeks from the date of the receipt of the notice** and in no case on request **not more than 30 days** from the date of the receipt of the notice.*

5. *In case the candidate seeks for an opportunity of hearing the claims an inquiry to be made in that behalf, the Director, Tribal Welfare on receipt of such representation / reply shall convene the committee and the Chairperson of the concerned Committee **shall give reasonable opportunity** to the candidate / parent / guardian to adduce all evidence in support of their claim. After giving such opportunity either in person or through counsel, the committee may make such inquiry as it deems expedient and consider the claim vis-a-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.*

6. *In case the report of the vigilance officer **is in favour of the candidate and reported to be genuine and true**, the committee will decide. No further action need be taken i.e., the State Level Scrutiny Committee shall not proceed further, but, to pass the order.*

.....

10. *The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings **within a period not exceeding two months.**"*

9. The guidelines are to be scrupulously followed by the subordinate

Authorities and in the event of failure, they must be subjected to disciplinary

actions for their lapses, dereliction of duty and negligence. Further, it is brought to the notice of this Court that several persons who secured public employment through bogus community certificates are not cooperating with the Committee for enquiry which leads to delay in taking final decision. It is needless to state that in the event of non-cooperation by any of the party, the State Level Scrutiny Committee or the competent Authority is empowered to record such non-cooperation and proceed with the matter without any further delay. Importantly, reasons and the non-cooperation must be specified in the order itself.

10. In view of the complex circumstances put forth by the petitioner bank before this Court, we have *suo motu* implead ***the Secretary to Government, Adi Dravidar and Tribal Welfare Department, Fort St.George, Chennai - 600 009*** for the purpose of initiation of action to ensure that the enquiries are concluded expeditiously in public interest and to protect the sanctity of the reservation policy.

11. Mr.Vadivelu Deenadayalan, the learned Additional Government Pleader takes notice for the *suo motu* impleaded respondent.

12. The respondents are directed to ensure that required number of State Level Scrutiny Committees are constituted for effective disposal of the enquiries pending before the Committee and further ensure that the community certificates are issued after complete scrutiny and by way of conducting appropriate enquiry as per the procedures contemplated. In this regard, appropriate orders are directed to be passed expeditiously, preferably within a period of six (6) weeks from the date of receipt of a copy of this order.

13. Accordingly, the Writ Petition stands disposed of. No costs.

14. Registry is directed to communicate a copy of this order to the Chief Secretary, Government of Tamil Nadu for issuing appropriate instructions to all the Departments.

[S.M.S,J.]

[K.R.S,J.]

25.04.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

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