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W.P(MD)No.20570 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

WP(MD)No.20570 of 2022

and

W.M.P(MD)No.14901 of 2022

S.Durairaj

... Petitioner

Vs.

- 1.The Secretary,
The Tamil Nadu State Level
Scrutiny Committee II,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai – 9.
- 2.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Deputy General Manager & Zonal Head,
UCO Bank, Zonal Bank,
Vijay Towers, 1st Floor,
22 Father Randy Street,
R.S.Puram,
Coimbatore – 641 002.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings No.12671/CV-2/2020-23 dated 02.08.2022 of the first respondent quash the same as illegal and consequently direct the third respondent to issue Community Certificate to the effect that the petitioner is belong to Kattunayakan Scheduled Tribe Community by holding that the earlier certificate dated 5.9.2008 issued by him is valid and thus render justice.

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.C.Venkatesh Kumar
Additional Government Pleader
for R.1 to R.3

Mr.K.Periyasamy for R.4

ORDER

G.R.Swaminathan, J : -

The petitioner challenges the order dated 29.08.2022 passed by the first respondent cancelling the writ petitioner's community certificate on the ground that it is not genuine. The stand of the petitioner is that he belongs to Hindu Kattunayakan community which is a notified Scheduled Tribe.

2.The writ petitioner's father, R.Subban, was issued with a community certificate by the competent authority as early as on 07.11.1967 certifying that he belonged to Hindu Kattunayakan

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community. The petitioner's father's certificate was never cancelled and continued to hold good till his demise. In the year 1989, the Government of Tamil Nadu issued a G.O stating that with effect from 01.11.1989, it is only the Revenue Divisional Officer who is competent to issue community certificates with regard to Scheduled Tribes. By then, the petitioner had joined UCO bank as a sub-staff on 30.11.1982. The petitioner had gained employment on the strength of the certificate issued by the Tahsildar, Paramakudi on 01.02.1980. Since the bank insisted that he should get the community certificate in the revised format, the petitioner approached the jurisdictional Revenue Divisional Officer. The jurisdictional Revenue Divisional Officer did not grant the certificate sought for by the petitioner. Hence, the petitioner filed O.S No.63 of 1991 on the file of Sub Judge, Ramanathapuram seeking mandatory injunction to the Revenue Divisional Officer for issuing community certificate in the revised format. The suit was decreed as prayed for on 19.04.1994. Along with the petitioner, his sister had also filed O.S.No.60 of 1991 and that was also decreed by a common judgment.

3.Challenging these two judgments and decrees, A.S.Nos.73 and 74 of 1995 were filed before the Additional District Court, Ramanathapuram by the Government. The first appellate Court



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dismissed the appeals and confirmed the judgment of the trial Court on 29.11.1996. Challenging the same, S.A.Nos.993 and 994 of 1998 were filed. The Hon'ble High Court dismissed the appeals by judgment and decree dated 28.04.2000. Aggrieved by the same, the State of Tamil Nadu filed SLP (Civil) Nos.8349 - 8350 / 2004. The SLPs were dismissed at the condone delay stage itself on 27.09.2004.

4. Thereafter, the writ petitioner was issued with a permanent community certificate by the Revenue Divisional Officer, Paramakudi on 05.09.2008. The petitioner's employer, however, took up the matter before the State Level Scrutiny Committee. Vide order dated 02.08.2022, it was held that the writ petitioner does not belong to Hindu Kattunayakan community.

5. The question that calls for consideration is whether the order passed by the State Level Scrutiny Committee deserves to be set aside.

6. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to quash the impugned order and grant relief as prayed for.



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7.Per contra, the learned Additional Government Pleader appearing for the authorities submitted that the impugned order is well reasoned. He argued that this Court ought not to go by the certificates earlier issued in favour of the writ petitioner's brother and sister. This was because pursuant to the G.O(Ms)No.106 Adi Dravidar and Tribal Welfare Department dated 15.10.2012, Vigilance Cell was formed and that in the case of the writ petitioner, the State Level Scrutiny Committee had the benefit of the report of the vigilance cell. In Paragraph 10 of the impugned order, the vigilance cell report has catalogued as many as 13 solid reasons for holding that the petitioner does not belong to the said community. He, therefore, called upon this Court to sustain the impugned order and dismiss the writ petition.

8.Since my learned Sister on the Bench is having some reservations, I proceed to dictate this order in the open court. I carefully considered the rival contentions and went through the materials on record.

9.Two factual aspects are beyond dispute :

a) The petitioner's father, Subban, was issued with a community certificate certifying that he belonged to Hindu Kattunayakan community



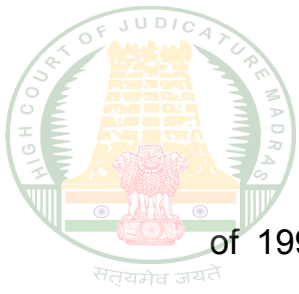
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by the competent authority. That certificate held good till his death and it was not set aside at all. No one questioned his certificate.

b) When the community status of the writ petitioner's siblings, namely, Ramamoorthy and Guruvammal came to be doubted, they moved the State Level Scrutiny Committee. The State Level Scrutiny Committee on 30.07.2009 issued proceedings certifying that the petitioner's brother belongs to Hindu Kattunayakan community. On the very same day, the petitioner's sister's community certificate was also duly validated.

10. When the writ petitioner's father, brother and sister have been declared as belonging to Hindu Kattunayakan community, I fail to understand as to how a contra stand can be taken in the case of the petitioner alone. The Hon'ble Supreme Court in the decision reported in **(2005) 12 SCC 248 (State of Bihar vs Sumit Anand)** had held that when close relatives including one's father have been certified" as belonging to a particular community, a different stand cannot be taken in the case of the applicant.

11. Apart from the aforesaid clinching circumstance, the civil court's decree is also in favour of the writ petitioner. He filed O.S No.63



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of 1991 on the file of Sub Judge, Ramanathapuram and obtained a decree that the RDO concerned should issue community certificate in the revised format. The suit was decreed as prayed for. The first appellate Court as well as the High Court confirmed the said decree. The decision of the High Court is reported in **2000 (2) CTC 425 (State of T.N v. Durairaj)**. Relying on the decisions of the Hon'ble Supreme Court, the appellants argued that the suit filed by the writ petitioner herein was not maintainable. This submission was specifically rejected.

Para 8 of the judgment reads thus :

“8. According to the respondent in Second Appeal No. 993 of 1998 he belongs to Kattunaicken community. He obtained community certificate on 1.2.1980 stating that he belongs to Kattunaicken community after due enquiry by the third defendant. There is no dispute that Kattunaicken community is one of the communities listed under Scheduled Tribe. Thereafter, he got an appointment in United Commercial Bank. After joining service in the Bank after some time the Bank issued a circular dated 21.12.1990 directing the employees who belong to Scheduled Tribe community to produce community certificate in the revised format to be issued in the rank of Revenue Divisional Officer, accordingly he applied to the second defendant for grant of community certificate in the revised format. Since the second defendant refused to issue community certificate in the revised format, he filed the said suit.”

After an elaborate discussion, the judgment concludes as follows :

“25. Even on merits the respondents/plaintiffs produced several documents in the form of sale deeds, school certificates, community certificate of their relatives as well as oral evidence of elders in support of their claim. By



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analysing the oral and documentary evidence after accepting the claim of the plaintiffs, the trial Court has granted decree as prayed for and the lower appellate Court on appreciation of the entire evidence affirmed the said conclusion. I am in agreement with the factual conclusion arrived at by the Courts below and I do not find any reason to interfere with the concurrent findings of the Courts below.”

The Hon'ble Supreme Court declined to interfere with the above judgment and dismissed the SLP filed by the State of Tamil Nadu. Thus, the decision of the civil court rendered in favour of the writ petitioner attained finality.

12.It is true that the petitioner did not seek the relief of declaration but sought only the relief of mandatory injunction. But, in my view, that would not make any difference. The relief of mandatory injunction granted in favour of the writ petitioner rests on the premise that he belongs to Hindu Kattunayakan Community. Without this being the foundational premise, the civil court could not have directed the RDO to issue the certificate sought for by him. The certificate which was directed to be issued by the RDO was that the petitioner herein belongs to Hindu Kattunayakan community. The relief obtained by the petitioner cannot be placed on a lesser footing merely because he did not seek declaratory relief. In fact, there was no need for obtaining such relief.



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The government itself had held that certificate issued by the Tahsildar before the cut off date ie., 11.11.1989 was very much valid. The said certificate had not been cancelled when the petitioner filed the civil suit. Thus, there was no need or necessity to ask for declaratory relief. In any event, the High Court had given an incidental finding that the petitioner belongs to Hindu Kattunayakan community. The State of Tamil Nadu was a party to this decision. Hence, the principle of *res judicata* will operate against the government.

13.The Hon'ble Supreme Court in ***State of T.N v. State of Kerala (2014) 12 SCC 696*** held that the doctrine of separation of powers is an entrenched principle in the Constitution of India and that it is an essential constituent of rule of law. This principle applies to the final judgments of the courts. The legislature cannot declare any decision of a court of law to be void or of no effect. A court's decision must always bind unless the conditions on which it is based or so fundamentally altered that the decision could not have been given in the altered circumstances.

14.While the legislature has power and competence to make a validating law, the executive has no such privilege. It can never go against the final judgment of a court. If the impugned order is upheld, it



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would mean that the decree confirmed by the High Court in favour of the petitioner would be of no effect. Such a consequence is abominable and cannot be envisaged. I am prepared to even assume that the decision of the High Court is wrong. But the State Level Scrutiny Committee cannot correct it. If the government feels aggrieved, it should come before the High Court or go before the Supreme Court. In the case on hand, the government did go before the Supreme Court. But its SLP was dismissed. I cannot conceive of a situation wherein the final judgment of the High Court stands nullified by an executive authority. That would sound the death knell of rule of law.

15. There is something called conclusive presumption in law. Once a fact is assumed to be true, contra evidence cannot be let in to disprove the same. Applying the same principle, the Vigilance Cell cannot be allowed to prove that the petitioner does not belong to Hindu Kattunayakan community when the High Court had affirmed the decree of the courts below that the competent authority must issue certificate certifying that the petitioner belongs to Hindu Kattunayakan community. Testing the correctness of the Vigilance Cell is an exercise in utter futility.



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16.As already mentioned, the very same State Level Scrutiny Committee had upheld the claim of the petitioner's brother Ramamoorthy and sister Guruvammal. Hence, the said Committee cannot give a different decision in the case of the petitioner alone by citing the report of the Vigilance Cell. A simple question has to be posed. Can the State Level Scrutiny Committee review its decision in the case of the petitioner's siblings? The answer is "No". The principle of functus officio will come into play. Thus, they enjoy the status of belonging to Hindu Kattunayakan community. But their biological brother, the petitioner herein, would not belong to the said community as per the impugned decision. This runs counter to every canon of commonsense.

17.The impugned order of the Scrutiny Committee could have been upheld if it had proceeded from a clean slate. But that was not the case. As already mentioned, the petitioner was already having a civil court's decree in his favor. The claim of the siblings had been sustained by the very same State Level Scrutiny Committee. The Committee did not take note of these aspects. It is well settled that a quasi judicial authority, before taking a final decision, has to take into account all the relevant materials. The decree issued in favour of the writ petitioner was definitely a relevant material. In the impugned order, there is no



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reference whatsoever to the civil Court's decree. Failure to advert to a relevant material would vitiate the order.

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18.The learned counsel for the petitioner would further state that the petitioner's brother's grandson was recently issued with their community certificate certifying that he belongs to the Kattunayakan community. It would be iniquitous to deny the said status for the petitioner alone. For all these reasons, I am of the view that the impugned order has to be set aside. It is accordingly set aside.

19.The Writ Petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition is closed.

G.R.S, J.
07.04.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA/skm

To

- 1.The Secretary, The Tamil Nadu State Level Scrutiny Committee II, Adi Dravidar and Tribal Welfare Department, Namakkal Kavingar Maligai, Secretariat, Chennai – 9.
- 2.The District Collector, Ramanathapuram District, Ramanathapuram.

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3.The Revenue Divisional Officer, Paramakudi,
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