

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.2133 OF 2012

S.CHANDRAMOHAN

APPELLANT

VERSUS

**STATE REPRESENTED
BY ITS SECRETARY & ANR.**

RESPONDENTS

ORDER

1. The appellant¹ is aggrieved by the judgement dated 06th April, 2011, passed by the High Court of Judicature at Madras, whereby the writ petition filed by him challenging the proceedings dated 29th January, 2009, passed by the respondent no.1² came to be dismissed.

2. It is the stand of the appellant that he hails from “Konda Reddi”, a tribal community, and is a native of Kumbikulam Madurai, Seelathi Kulam Village at Radhapuram Taluk, Tirunelveli District. On 26th October, 1984, the appellant was appointed in the office of the respondent No.2 – Life Insurance Corporation³ as a ‘Typist’ under the Scheduled Tribes quota and was confirmed to the said post on 26th April, 1985.

3. On 09th April, 1991, acting on an anonymous letter received by the respondent No.2 – LIC regarding a false Community Certificate dated 10th September, 1984, issued

¹ employee of the respondent No.2-Life Insurance Corporation of India

² State Level Scrutiny Committee

³ for short “LIC”

by the Revenue Divisional Officer⁴, submitted by the appellant to procure the job, was referred to the District Collector, Tirunelveli for verification. On verification, it was found that the certificate submitted by the appellant was not genuine. This information was furnished by the respondent No.2 – LIC to the appellant *vide* letter dated 04th October, 1991.

4. On 14th February, 1992, the appellant applied to the RDO, Cheranmahadevi for issuance of a fresh Community Certificate. The said application was returned to the appellant, directing him to produce his nativity certificate and attested copies of other relevant documents.

5. In the meantime, in August, 1999, the matter was referred to a two Member Committee, at the district level, to verify the genuineness of the Community Certificate issued by the Deputy Tehsildar, dated 01st July, 1980 and the District Judge, Tirunelveli dated 30th December, 1983. The said District level two Member Committee concluded that the appellant did not belong to the “Konda Reddi” community.

6. Aggrieved by the said findings, the appellant preferred a writ petition⁵ before the High Court of Judicature at Madras. In the meantime, the appellant applied to the RDO, Cheranmahadevi, for a fresh Community Certificate but the same was returned with a direction to produce his permanent residence certificate issued by the Tehsildar along with other relevant documents duly attested by an officer equivalent to the status of a Tehsildar.

7. *Vide* Order dated 27th July, 2005, the High Court quashed the proceedings of the

⁴ Hereinafter referred to as the “RDO”

⁵ W.P. No. 14280 of 1999

Tirunelveli District Community Certificate Verification Vigilance Committee and directed that the matter be placed before a three-member District Vigilance Committee in terms of a Government Order⁶. Since the three-member District Vigilance Committee did not take a decision for some time, the appellant preferred a second writ petition⁷ before the High Court of Judicature at Madras. *Vide* order dated 04th October, 2007, the High Court directed that the matter be placed before a three-member Scrutiny Committee in terms of another G.O.⁸.

8. The appellant was called for an inquiry by the three-member Scrutiny Committee and directed to submit his explanation along with necessary documents. After considering the documents submitted by the appellant, the three-member Scrutiny Committee passed an order⁹, rejecting his claim that he belongs to the "Konda Reddi" community.

9. The grounds that weighed with the Committee for rejecting the claim of the appellant was that he had not produced the basic evidence, namely, his original school records, including his school leaving certificate and transfer certificate. Secondly, the records revealed that the Community Certificate stated by the appellant to have been issued by the Deputy Tahsildar, Additional Head Quarters, Nanguneri Taluk, and the Community Certificate issued by the RDO, Cheranmahadevi was not issued by the concerned authorities. The third certificate relied upon by the appellant and stated to have been issued by the District Judge was not taken into evidence in the absence of any other relevant document to establish his status. The other documents sought to be

⁶ Ms. No. 111 AD & TW department dated 06th July, 2005

⁷ W.P. (MD) No. 1210 of 2007

⁸ G.O.(2D) No.108 AD & TW Department dated 12th September, 2007

⁹ dated 29th January, 2009

produced by the appellant including xerox copies of several sale deeds were found to be unreliable as the registration seal and proof of registration etc. were not mentioned in the said documents and the words used therein were "Thamarai Konda Reddiyar" not "Konda Reddis". The Committee noted that in all the sale deeds produced by the appellant and those related to his relatives, their names were suffixed with the word "Reddiyar" that is classified as a forward community and not as "Konda Reddis".

10. The report of the RDO, Cheranmahadevi and the District Vigilance Committee were also taken note of by the three-member Scrutiny Committee and the conclusion arrived at was that the appellant does not belong to "Konda Reddis" and that he actually belongs to "Reddiyar" Community which is a forward community. Lastly, an Anthropologist who was a member of the Scrutiny Committee also examined the aspects relating to the appellant's community and had given an adverse finding. The Scrutiny Committee had given an opportunity of hearing to the appellant to substantiate his claim of belonging to the "Konda Reddis" community but he failed to produce the original school records and the Community Certificate which formed the very basis of his applying to the respondent No.2-LIC for a job under the category of 'Scheduled Tribe'.

11. Aggrieved by the aforesaid report, the appellant preferred a third writ petition before the High Court of Judicature at Madras¹⁰ which was dismissed with an observation that he failed to establish the fact that he belongs to "Konda Reddi" community. Hence, the present appeal.

12. We have perused the records and considered the arguments advanced by Mr. R. Balasubramanian, learned Senior counsel and learned counsel for respondent No.1.

¹⁰ Writ Petition No.4485 of 2009

Respondent No.2-LIC remains unrepresented.

13. The records in the present case reveal that notice was issued in the petition for special leave to appeal on 25th April, 2011, as well as on the application for interim relief. On 10th February, 2012, leave was granted in the petition for special leave to appeal. Simultaneously, an application registered as Interlocutory Application No.1 of 2011 was moved by the appellant on 2nd May, 2011, seeking a stay of his dismissal order that was, however, dismissed.

14. It is not in dispute that the aforesaid dismissal order dated 20th April, 2011, passed by the Disciplinary Authority of the respondent No.2-LIC was not challenged by the appellant either by preferring an appeal as contemplated under the relevant Rules/Regulations or by approaching the High Court for appropriate relief. We are informed that the appellant would have superannuated in July, 2023 in due course.

15. Having gone through the impugned judgment, we are of the opinion that the High Court has carefully examined all the relevant documents produced by the appellant before the Scrutiny Committee and it has also analysed the factors that had weighed with the Committee for rejecting the claim of the appellant of belonging to the Scheduled Tribe.

16. Even today, counsel for the appellant is not in a position to produce the original school leaving certificate of the appellant for this Court to satisfy itself if any wrong has been done to him.

17. The records reveal that the appellant was granted ample opportunity to establish his case that he belongs to the "Konda Reddi" community. Therefore, the plea taken

that principles of natural justice have been violated in the instant case, are meritless. It was not a case where reliance was placed only on the report of the Anthropologist who was a part of the Scrutiny Committee. There were several other documents that were examined by the Scrutiny Committee before rejecting the claim of the appellant. The said documents were again examined in detail by the High Court and its findings are based on the facts of the case, which we see no reason to dislodge.

18. For the aforesaid reason, we are not inclined to interfere in the impugned judgment, which is upheld. The present appeal is dismissed as meritless while leaving the parties to bear their own costs.

19. Needless to state that if the appellant proposes to approach the respondent No.2 – LIC to claim any benefits to which he would otherwise be entitled to in law after his dismissal from service, he is at liberty to do so. If such a representation is made, the respondent No.2 – LIC shall consider the same and pass an appropriate order in accordance with law, under intimation to the appellant.

.....J.
(HIMA KOHLI)

.....J.
(RAJESH BINDAL)

NEW DELHI
16th AUGUST, 2023

ITEM NO.101

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2133/2012

S.CHANDRAMOHAN

Appellant(s)

VERSUS

STATE REPRESENTED
BY ITS SECRETARY & ANR.

Respondent(s)

Date : 16-08-2023 This appeal was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Appellant(s) Mr. R. Balasubramanian, Sr. Adv.
Mr. Senthil Jagadeesan, AOR
Ms. Sonakshi Malhan, Adv.
Mr. Sajal Jain, Adv.

For Respondent(s) Mr. M. F. Philip, Adv.
Ms. Purnima Krishna, AOR
Mr. Karamveer Singh Yadav, Adv.

UPON hearing the counsel the court made the following
O R D E R

The appeal is dismissed as meritless in terms
of the signed order. Pending application(s), if any,
are disposed of.

(Geeta Ahuja)
Assistant Registrar-cum-PS
(Signed Order is placed on the file)

(Nand Kishor)
Court Master (NSH)