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Order QR

W.P.Nos.12138 of 2020 and 22361 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 31.08.2026

Orders pronounced on : **16.09.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.12138 of 2020 and 22361 of 2021
and W.M.P.No.23606 of 2021 in W.P.No.22361 of 2021

In W.P.No.12138 of 2020:-

A.Jegannathan

.. Petitioner

Versus

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai-1.

2. The Secretary,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai-1.

3. The Traffic Manager,
Chennai Port Trust, Chennai.

.. Respondents

In W.P.No.22361 of 2021:-

A.Jagannathan

.. Petitioner

Versus

1. The Chairman,
State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,



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Namakkal Kavingar Maligai,
Secretariat, Chennai – 9.

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2. The Secretary,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai-1.

.. Respondents

Prayer in W.P.No.12138 of 2020 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, by directing the respondents to sanction Full Pension including commutation, gratuity, leave salary and other terminal benefits along with interest at 12% per annum without waiting for verification of the community certificate before the State Level Scrutiny Committee.

Prayer in W.P.No.22361 of 2021 : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, by calling for the records of the 1st respondent in its Proceedings No.4376/CV-5/2018, dated 19.08.2021 and quash the same.

In W.P.No.12138 of 2020:-

For Petitioner : Mr.V.Vijay Shankar

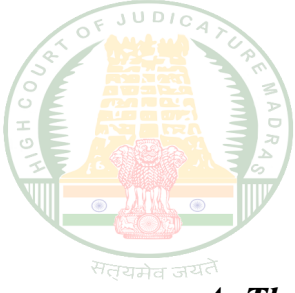
For Respondents : Mr.R.Karthikeyan

In W.P.No.22361 of 2021:-

For Petitioner : Mr.V.Vijay Shankar

For Respondents : Mrs.Inthu Karunakaran,
Special Government Pleader, for R1

: Mr.R.Karthikeyan, for R2



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COMMON ORDER

A. The Petitions:

These two Writ Petitions, filed by one *A.Jegannathan*, are connected to each other and, as such, are taken up and disposed of by this common order.

1.1 W.P. No. 12138 of 2020 is filed with a prayer directing the respondents to sanction full pension, including commutation, gratuity, leave salary, and other terminal benefits, along with interest at 12% per annum, without awaiting verification of the community certificate before the State Level Scrutiny Committee.

1.2 W.P. No. 22361 of 2021 is filed praying for the production of the records relating to the impugned order dated 19.08.2021 passed by the State Level Scrutiny Committee-III and for quashing the same.

B. The Petitioner's Case:

2. The petitioner belongs to the *Hindu Urali* tribe, recognised as a Scheduled Tribe in the State of Tamil Nadu. The petitioner was issued a community certificate on 31.07.1980. The petitioner was thereafter



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appointed as a Mazdoor at Chennai Port Trust. The petitioner was later promoted to Assistant Shed Master in 1983, Shed Master in 1984, and Section Superintendent in 2006. After 33 years of service, the petitioner attained the age of superannuation on 31.01.2013. However, on retirement, on the ground that the proceedings relating to the verification of the community were pending, the petitioner was granted only a provisional pension, and the full pension, gratuity, and all other terminal benefits payable to the petitioner were withheld. Accordingly, the petitioner filed W.P.No.12138 of 2020 with the prayer mentioned above.

2.1 In January 2021, the Vigilance Cell summoned the petitioner for enquiry. The petitioner had undergone Angioplasty and was advised complete bed rest. Therefore, by his letter dated 23.01.2021, he informed the Vigilance Cell that he could not appear, also citing the COVID-19 pandemic. The Sub-Inspector of the Vigilance Committee came to the petitioner's residence in Chennai and made enquiries. The petitioner also submitted various documents showing that his close relatives belong to the *Urali* tribe. He further submitted affidavits from persons in the village vouching that the petitioner belongs to the *Urali* tribe. However, the Vigilance Cell appears to have submitted a report to the State Level

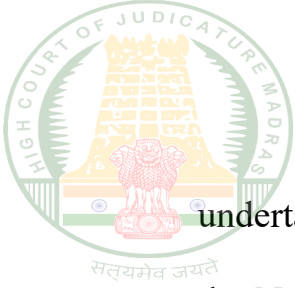


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Scrutiny Committee, holding that the petitioner does not belong to the Scheduled Tribe community. The State Level Scrutiny Committee forwarded the report to the petitioner by a communication dated 19.03.2021.

2.2 Thereafter, the Committee summoned the petitioner to appear for enquiry on 12.08.2021. The petitioner submitted a detailed objection that the verification process was undertaken at the fag end of his service and in total disregard of the directives of the Government and the National Commission for Scheduled Tribes, which had directed that only those granted a certificate after the year 1995 be referred for verification. Without giving sufficient time for enquiry and without considering any of the documents in favour of the petitioner, the impugned order dated 19.08.2021 held that the petitioner's Schedule Tribe status was not genuine. Accordingly, W.P.No.22361 of 2021 is filed.

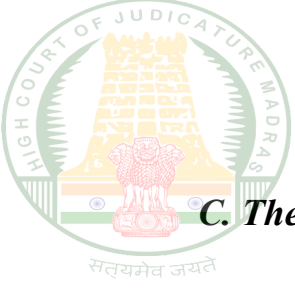
2.3 It is the contention of the petitioner that the verification undertaken nearly 40 years after his appointment is uncalled for and violates G.O.(2D).No.108, dated 12.09.2007, and G.O.No.106, dated 15.10.2012. As per the Government Orders, verification has to be



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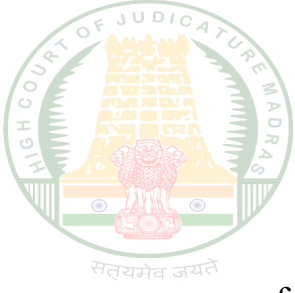
undertaken at the time of appointment. The petitioner further contends that the National Commission for Scheduled Tribes, in its directives issued in December, 2020, stressed that only caste certificates of those entering service after 1995 should be verified by the State Level Scrutiny Committee. When the petitioner was appointed in the year 1992, there was no question of verification of his community.

2.4 The impugned order has placed reliance on the report of the Sub-Collector, and copies of the same have not been furnished to the petitioner. The Committee should have afforded the petitioner a reasonable opportunity for enquiry. When the Committee called the petitioner for appearance on 12.08.2021, the petitioner set out his objections. Without considering the same, the enquiry proceeded. The Anthropologist's report is vague. The documentary evidence submitted in favour of the petitioner was not considered. No opportunity of cross-examining the persons whose statements were recorded by the Vigilance Cell was given to the petitioner. When the community certificate was issued after due verification, and the petitioner has overwhelming documentary evidence, the cancellation is bad in law.

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3. As per the Counter Affidavit filed on behalf of the Tamilnadu State Level Scrutiny Committee, it is stated that when the petitioner was appointed to the Chennai Port Trust as Lower Division Clerk in the Traffic Department on 08.03.1982, under the vacancies reserved for the Scheduled Tribe, on the basis of the community certificate dated 01.11.1981 issued by the Tahsildar, Attur taluk, Salem district. Immediately after his appointment, the community certificate was referred to the District Collector, Salem, on 13.12.1983 for verification. The Tahsildar, Attur taluk, vide letter dated 24.03.1984, informed the Collector, Salem, that a notice was sent through registered post to appear for enquiry at the address mentioned in the community certificate, namely, Kondayampalli village, Attur taluk, Salem district. The postal authority returned the communication undelivered, as no one was at the above address. Therefore, another letter was sent to the petitioner's father at the same address, and it was also returned as there was nobody at the above address. It became clear that the petitioner did not belong to Kondayampalli village, Attur taluk, Salem district.



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3.1 On further scrutiny of the first page of his S.S.L.C. book, it was found that he studied at High School, Vairichettipalayam, Trichy district, and that the community column records him as *Urali Gounder*. The Tahsildar thus submitted a report to refer the matter to the Collector, Trichy. After considering the records, the District Collector, Salem, vide communication dated 17.11.1984, informed the employer that the petitioner, *Jegannathan*, belongs to the *Urali Gounder* caste and that the Scheduled Tribe community certificate is not genuine. The District Collector also passed an order on 13.03.1985, holding so and reasoning that, despite being given an opportunity, the petitioner failed to prove that he belongs to the *Urali* tribe, a Scheduled Tribe community.

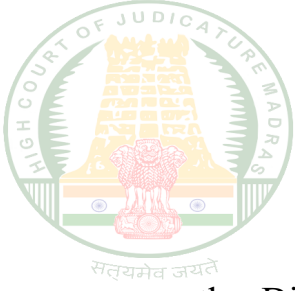
3.2 Aggrieved by the same, the petitioner filed W.P. No. 9751 of 1985. By order dated 28.04.1986, the Writ Petition was allowed, quashing the order passed by the Collector and remanding the matter to the District Collector for a fresh enquiry, giving the petitioner an opportunity. Thereafter, the District Collector, Salem, again took up the matter and, by a communication dated 26.07.1986, proposed a fresh enquiry. By a communication dated 12.09.1987, the Chennai Port Trust also requested the Collector, Salem, to expedite the enquiry. After the fresh enquiry, by



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yet another order dated 11.09.1990, the District Collector confirmed that the petitioner belongs to the *Urali Gounder* caste and not to the *Urali* tribe, a Scheduled Tribe community. Based on the said communication, the petitioner was discharged from the services of the Chennai Port Trust on 26.09.1990.

3.3 The petitioner had filed W.P.No.15836 of 1990, and an order of interim stay was granted in W.M.P.No.24746 of 1990 on 09.10.1990. During the pendency of the same, the petitioner also filed W.P.No.18672 of 1990 challenging the order of the District Collector. By the order dated 11.09.1990, the order of the District Collector was set aside, the District Collector was directed to furnish a copy of the report of the Sub-Collector, and an opportunity was granted to the petitioner to appear before the Collector. The Writ Petition was disposed of. Until final orders were passed by the Collector afresh, the interim order was also directed to continue. Thereafter, by G.O.(2D).No.108 dated 12.09.2007, the State Level Scrutiny Committee became the competent authority to verify the genuineness of the Scheduled Tribe community certificate, and the case of the petitioner was referred to the Committee on 30.11.2007 for verification and issue of final orders.



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3.4 The State Level Scrutiny Committee transferred the case to the District Level Vigilance Committee for verification by letter dated 20.09.2008, and again the matter was re-transmitted to the State Level Scrutiny Committee on 23.08.2011. In the meanwhile, by the order in M.P.Nos.1 and 2 of 2008 in W.P.No.7900 of 2008, this Court had stayed the operation of G.O.(2D).No.3, dated 31.01.2008, and therefore the matter was again transferred to the District Level Vigilance Committee, Salem. Subsequently, the District Level Vigilance Committee again requested the State Level Scrutiny Committee to verify the Scheduled Tribe certificate, and again the matter was transferred to the State Level Scrutiny Committee by letter dated 14.11.2017.

3.5 During the interregnum, before the process was completed, the petitioner also reached the age of superannuation. While so, on 10.07.2018, the first respondent requested the Director of Tribal Welfare, Chennai, to make an enquiry in the presence of the individual and to submit a detailed report within 15 days. At this juncture, in view of the prolonged delay in verification, the Chennai Port Trust filed W.P.No.2575 of 2019, and by the order dated 05.04.2019, the State Level Scrutiny Committee was directed to conduct an enquiry and pass appropriate orders



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on the petitioner's community certificate in accordance with law, as expeditiously as possible, in any event, within six weeks from the date of the order.

3.6 Thereafter, the Chennai Port Trust issued repeated reminders to the State Level Committee on 05.06.2018, 14.08.2018, 26.10.2018, 04.01.2019, 25.03.2019, 27.05.2019, 26.08.2019, 30.12.2019, 29.01.2020, 19.03.2020, 12.06.2020 and 11.09.2020, requesting the expeditious verification of the case. These letters were handed over to the Chairman of the State Level Scrutiny Committee on various dates. The Committee directed the petitioner, by summons dated 18.01.2021, to appear before the Committee on 27.01.2021 with the relevant documents. By a letter dated 18.01.2021, the Director of Tribal Welfare, Chennai, was also requested to conduct an enquiry in the presence of the individual and submit a detailed report on or before 25.01.2021. In the meantime, the above W.P.No.12138 of 2020 was filed by the petitioner seeking sanction of full pension, etc.

3.7 The petitioner did not appear before the State Level Scrutiny Committee on 27.01.2021. Thereafter, based on scrutiny of the documentary and other evidence available with the Committee, the



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Committee concluded that the petitioner belongs to the *Urali Gounder* Caste and not to the *Urali* Tribe. It further concluded that the community certificate issued to the petitioner is bogus and was obtained fraudulently with mala fide intention to derive constitutional benefits meant for a genuine Scheduled Tribe. It also concluded that the community, as claimed by the petitioner, is not genuine. Therefore, it is prayed on behalf of the State Level Scrutiny Committee that the Writ Petitions be dismissed.

3.8 A separate counter-affidavit is also filed on behalf of the Chennai Port Trust, under which, once again, all the above proceedings are reiterated in paragraph Nos. 1 to 10 of the counter-affidavit. Apart from the same, Regulation 56-A of the Chennai Port Trust (Pension) Regulations, 1987, is also relied upon, under which, the provisions provide that only provisional pension can be sanctioned.

D. The Arguments:

4. *Mr V. Vijay Shankar*, learned Counsel for the petitioner, would first submit that when the petitioner superannuated from service in 2013, there was no necessity to verify the correctness of the certificate issued to the petitioner long back in 1980-1981, as no useful purpose



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would be served. The learned Counsel for the petitioner would further submit that the impugned order was passed without compliance with the principles of natural justice. When the scrutiny was undertaken by the State Level Scrutiny Committee, the COVID-19 pandemic was prevailing, and when the petitioner sought time for appearance, in view of the COVID-19 pandemic, an opportunity should have been given.

4.1 The learned Counsel would rely upon the judgment of the Hon'ble Division Bench of this Court in ***I.Dorai Vs. State Level Scrutiny Committee – III and Ors.***, in ***W.P.No.7157 of 2021***. This Court has consistently granted additional opportunities in view of the COVID-19 pandemic. Learned counsel would also rely on the communication sent by the petitioner on 17.11.2020, whereby he requested time, citing the prevalence of the COVID-19 pandemic.

4.2 *Mr Vijay Shankar* would submit that the impugned order of the State Level Scrutiny Committee is liable to be set aside, and an opportunity of hearing should be given to the petitioner. Only if the petitioner appears, can he seek all the reports, seek cross-examination of the witnesses, and avail the opportunity. In the interregnum, the



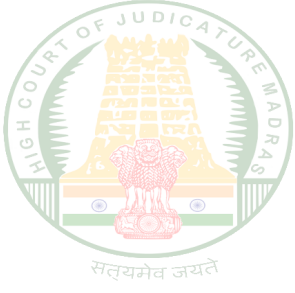
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petitioner's regular pension cannot be eternally withheld, and a direction should be given in respect of the same also.

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4.3 Per *contra*, Mrs Inthu Karunakaran, learned Special Government Pleader, by pointing out the various opportunities granted, would submit that this is not a case where it can be remanded on the ground of opportunity. The petitioner willfully chose to oppose the hearing by citing Government Orders that the verification of the retired employee should not be undertaken and that the verification of employees appointed prior to the year 1995 should not be undertaken. The issues have been settled by the Hon'ble Full Bench of this Court in ***R.Gurusamy Vs. The Tamil Nadu State Level Scrutiny Committee and Ors.***, in ***W.P.No.23827 of 2025 etc.***, (batch cases).

4.4 At every stage, opportunities have been immediately afforded to the petitioner. Even though it is the burden of the petitioner to prove that he belongs to the Scheduled Tribe community, there is overwhelming evidence on record, including the petitioner's own school records and records of almost all the relatives, to the effect that they do not belong to the Scheduled Tribe community.



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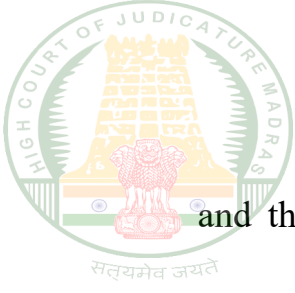
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4.5 Mr. R. Karthikeyan, learned Counsel for the Chennai Port Trust, would submit that the petitioner's contention that the verification was belated is factually incorrect. Immediately after his appointment, long ago, in the year 1983, the verification process commenced, and the petitioner successfully scuttled the same till the year 2021. Therefore, the plea of delay cannot be countenanced. The learned Counsel would also submit that the judgment of this Court in *Dorai's* case (cited *supra*) has been taken on appeal, and the Hon'ble Supreme Court of India has also passed an order of stay in S.L.P. (Civil) Diary No. 31339 of 2025.

E. Analysis & Findings:

5. I have considered the rival submissions on both sides and perused the material records of the case.

5.1 The primary ground on which the Writ Petition challenging the order of the State Level Scrutiny Committee is that (i) after superannuation, verification need not be undertaken; (ii) for appointments made before the year 1995/community certificates issued before 1995, verification should not be undertaken. The relevant Government Orders



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and the directives of the National Commission in that regard are relied upon.

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5.2 The Hon'ble Full Bench of this Court in **R. Gurusamy**'s case (cited *supra*) has specifically framed the questions as to (i) whether the verification of the genuineness of the community/caste certificate of an employee is permissible after retirement from service; (ii) whether the verification of the genuineness of the community certificate or caste status of an employee is permissible in cases where the employee was issued with a community certificate or granted employment prior to the year 1995; and (iii) whether the verification of the genuineness of the community certificate or the caste status, which was initiated prior to retirement, could be continued after retirement of the employee.

5.3 The Hon'ble Full Bench considered the various views and ultimately concluded that, in view of the binding dictum of the Hon'ble Supreme Court of India in **Chairman and Managing Director, Food Corporation of India Vs. Jagdish Balaram Bahira and Ors.**¹, the law is settled that protecting service benefits merely because the employee has

¹ (2017) 8 SCC 670

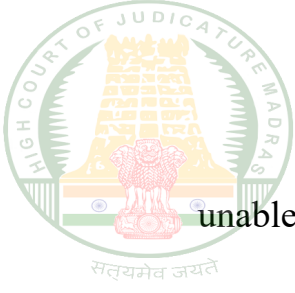


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attained superannuation is akin to allowing the thief to retain stolen property and perpetrating constitutional fraud. The Hon'ble Full Bench relied specifically on paragraph No. 69.3 of the said judgment, where it has been held that a benefit is secured by an individual, such as an appointment to the post or admission to an educational institution, on the basis that the candidate belongs to the reserved category for which the benefit is reserved; the invalidation of the caste or tribe upon which the verification would result in the appointment, or in the case may be, the admission being rendered void or non est, and the withdrawal of benefits secured on the basis of such false claim flows from the invalidation of the caste claim, and the issue of retrospectivity does not arise at all.

5.4 After considering the law on the point, all three questions are answered in the affirmative. As such, the matter is no longer *res integra*. The primary grounds on which the Writ Petition was filed are bound to fail.

5.5 The alternative submission made by the learned Counsel for the petitioner is that, on account of COVID-19, on the particular date when the petitioner was summoned for enquiry, i.e., on 17.08.2021, he was



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unable to appear, and, as such, one more opportunity should be granted. I am unable to accept the said contention and set aside the order on the ground of principles of natural justice, and the reasons are as follows:-

5.5.1 Firstly, on a careful perusal of the petitioner's representation, it is evident that the petitioner has enclosed proof of submission of the representation in the form of a receipt for sending the same by registered post, only with reference to his representation dated 20.11.2020 to the Deputy Superintendent of Police of the Vigilance Cell. In the said representation, he relies solely on various Government Orders and the directives of the National Commission for Scheduled Tribe on the ground that it is post-retirement and his appointment is prior to the year 1995. There is absolutely no mention of any difficulty on account of COVID-19. However, one more representation, addressed only to the Superintendent and not the committee, is produced in the typed set of papers, dated 17.11.2020. There is no proof of dispatch of the same. Secondly, in the said representation, he predominantly reiterates that he has already reached the age of superannuation. Further, he stated only that, when there is a threat of COVID-19, he is unable to attend with documents. This was only for the vigilance enquiry. As far as the hearing before the State Level Scrutiny Committee is concerned, there is no record



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that the petitioner pleaded that he could not appear before the Scrutiny Committee on account of COVID-19. No request was made on account of the COVID-19 pandemic, and the said ground is included only as an afterthought;

5.5.2 It must be seen that the petitioner had very well filed the first Writ Petition on 21.08.2020 during the very COVID-19 period. Therefore, the plea made by the petitioner that he was prevented on account of the COVID-19 pandemic is made only for appearance before the Scrutiny Committee;

5.5.3 As per the guidelines issued by the State of Tamil Nadu from time to time, if the vigilance report is against the claimant, a show cause notice is issued, and opportunity is granted. Once the same is granted, it is for the claimant to produce all the evidence in support of his claim, and thus the burden is on the claimant. The Hon'ble Supreme Court of India in *Director of Tribal Welfare -Vs- Laveti Giri & another*² has laid down that it is the burden of the petitioner to substantiate and prove that he belongs to the Scheduled Tribe. On the contrary, in the instant case, from

² (1995) 4 SCC 32



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the materials available before the Scrutiny Committee, it is clear that :

- (a) *Prabhakaran*, the petitioner's cousin brother, who was examined, categorically stated that they are Hindu Urali Gounder and not Scheduled Tribe. He has categorically stated that the petitioner does not belong to the Scheduled Tribe. He has given the details about the other relatives and each and everyone of them is not treated as Scheduled Tribes;
- (b) One *Duraisamy*, who is the uncle of the petitioner, was examined, who had also given the same statement.
- (c) One *Vellaiyammal*, who is the sister-in-law of the petitioner, was examined and she has given the same statement.
- (d) One *Chidambaram*, who is also an uncle of the petitioner, was examined and he has also reiterated the same. Further, he also stated that in the village itself, there is no other Scheduled Tribe.
- (e) One *Sengamalai*, who was also examined, had also given the similar statement.
- (f) One *Jayalakshmi*, who is younger brother's wife of the petitioner had also categorically given the said statement.
- (g) One *Ponnusamy*, an independent person, a resident of the village, had also given a statement that the petitioner is not a Scheduled Tribe.



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(h) One *Rajendran*, had also given a statement that the petitioner only belongs to Hindu Urali Gounder and not the Scheduled Tribe.

(i) The Village Administrative Officer of the Koppamapuri village, after field examination, gave a categorical statement that the petitioner only belongs to Urali Gounder caste.

(j) The Village Administrative Officer of the Thammampatty village had also given a statement that the petitioner stayed at Kondayampalli for some time and at that point of time, he had shown his cousin brother *Rangaraj* as his guardian and has obtained the certificate. However, the petitioner only belongs to Koppampatti village of Thuraiyur taluk.

(k) When the Vigilance Committee granted three opportunities to the petitioner to appear and explain his position on 21.12.2020, 18.01.2021 and 13.02.2021, the petitioner objected to the same on the ground that he had already superannuated and that he is not well.

(l) The petitioner was born on 15.01.1955 and was admitted to Swami Vivekanantha Vidhyalayam Higher Secondary School at Vairichettipalayam, Thuraiyur taluk in the IX standard with admission No.3898 and his community is mentioned as Urali Gounder and not the Scheduled Tribe.

(m) The brother of the petitioner, *Nagaraj*, who was born on 20.05.1959,

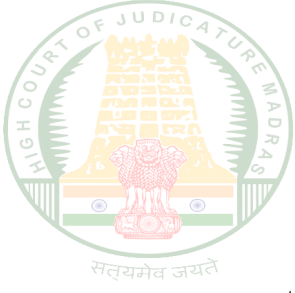


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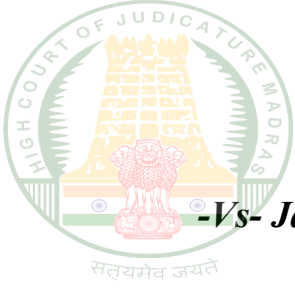
even in his school records, he is mentioned as Hindu Urali Gounder and not the Scheduled Tribe.

- (n) The school records of one *Natarajan*, the cousin brother of the petitioner also reveals that he belongs to only Urali Gounder.
- (o) Similarly, the school records of the petitioner's cousin brother's children, *Manoharan*, *Manivannan*, reveal that they are caste Hindu belonging to Hindu Urali caste and not the Scheduled Tribe.
- (p) The individual's father's younger brother, one *Poosani Gounder* and his wife *Chellammal* gave birth to a male child on 28.05.1958 and another child on 15.06.1960 and in both the registration of the births, the caste is mentioned only as Hindu Uraliar or Uraliar.
- (q) The report of an Anthropology expert categorically points out to the fact that the petitioner does not belong to the Scheduled Tribe.
- (r) Thus, with the Vigilance Report and independent verification reports of all the authorities, on the basis of the overwhelming positive evidence, the contrary, that the petitioner is only a caste Hindu *Urali Gounder*, is proved to the hilt. Therefore, this is not a case to interfere on the ground of principles of natural justice.



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5.5.4 Further, the prayer to remand the matter on the ground of opportunity is not genuinely made to avail any opportunity. The proceedings started long ago, immediately after the appointment in the year 1983, and from the earliest W.P.No.9751 of 1985, the petitioner has been pleading violation of principles of natural justice alone. Repeatedly, he has succeeded in pointing out one hyper-technical plea or the other and getting the matter remanded back, and thereafter, the matter has been dragged on. The Hon'ble Full Bench had, in its dictum, held that the Court should bear in mind the core propositions established in the various judgments of the Hon'ble Supreme Court of India. When it is abundantly clear that the petitioner has falsely secured the benefit and got appointment to the post and the caste has been rightly re-validated, repeatedly, if on one plea or the other, the matter is remanded back, any more remanding the matter back would make the very process of the petitioner approaching this Court under Article 226 of the Constitution of India as an abuse of process. Fraud is an anathema to every principle of law and the dictum of the Hon'ble Supreme Court of India is that obtaining of benefits of reservation amounts to constitutional fraud. Such constitutional fraud cannot be aided by technical grounds and repeated remands. In ***Food Corporation of India***



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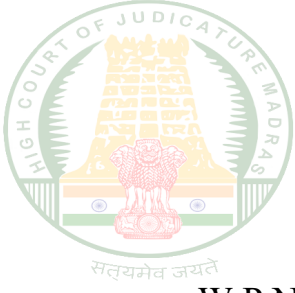
-Vs- Jagadish Balaram Bahira³, it is held that :

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“When a person who does not belong to a caste, tribe or class for whom reservation is meant, seeks to pass off as its member, such a stratagem constitutes a fraud on the Constitution. For one thing a person who is disentitled to the benefit of a welfare measure obtains the benefit. For another this deprives a beneficiary who is genuinely entitled to receive those benefits of a legitimate entitlement. This constitutes an egregious constitutional fraud. It is a fraud on the statutes which implement the provisions of the Constitution. It is a fraud on state policy.”

5.5.5. The petitioner started his line of litigation from W.P.No.9751 of 1985 and successfully stalled the obvious till the year 2021 and the same can no more be permitted. It is a settled legal position that the principles of natural justice are not a straitjacket formula and will depend on the facts and circumstances of the case, and fraud is an anathema to the principle. The grounds will be acceded to in a genuine case where the petitioner is not able to discharge his burden and seeks to provide additional burden, or the statements of witnesses are alleged to be motivated, and sufficient grounds exist that, on their cross-examination, further facts may be unearthed. None of the circumstances exists in the instant case.

³ (2017) 8 SCC 670



Order QR

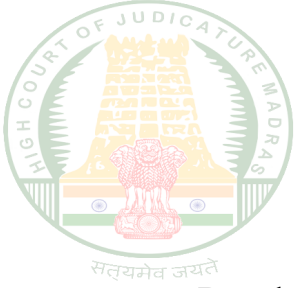
W.P.Nos.12138 of 2020 and 22361 of 2021

5.5.6 Ironically, paragraph No.6 of the judgment in

W.P.No.9751 of 1985 reads as follows:-

“6. The final impugned order passed pertains to cancellation of the certificate. Here again it is stated that after seeking for a month’s adjournment, **the petitioner had not responded on the date of hearing.** This order does not analyse the materials on record to show that the authority had looked into the merits of the case. In matters of this nature, mere absence would not be a ground to reject or cancel a community certificate. Reasons must be given as to why a certificate issued earlier by a subordinate authority requires to be cancelled as the burden is upon the authority to justify cancellation. Therefore, in the absence of application of mind to the merits of the matter, the final order also suffers from yet another infirmity.”

5.5.7 Thus, it is clear that from the very beginning, from the year 1985, the petitioner has adopted a conscious and well-calculated strategy: he will always seek adjournment on one pretext or the other and will not appear before any authority verifying his certificate and protract the matter and enjoy the benefits, depriving an unknown genuine scheduled tribe person who, despite having suffered the social stigma, is refused the constitutional benevolence shown by the Nation. Thus, the findings and conclusion reached by the State Level Scrutiny Committee cannot be interfered with.



W.P.Nos.12138 of 2020 and 22361 of 2021

5.6 For the above findings, as per the dictum of the Hon'ble Full

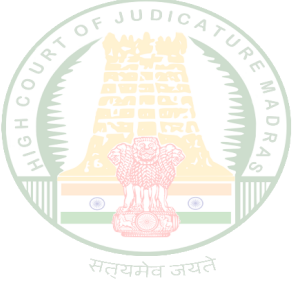
Bench of this Court, the petitioner cannot be permitted to gain the other benefits. Accordingly, the prayer for other employment benefits is also not sustainable.

F. The Result:

6. In the result, these Writ Petitions are dismissed. The employer, Chennai Port Trust, will be entitled to act upon the impugned Order of the State Level Scrutiny Committee dated 19/08/2021 and pass such further orders with reference to the petitioner. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

16.09.2026

Neutral Citation : yes
grs



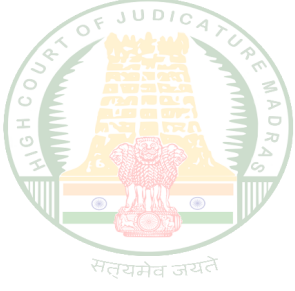
Order QR

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To

1. The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai-1.
2. The Secretary,
Chennai Port Trust,
No.1, Rajaji Salai, Chennai-1.
3. The Traffic Manager,
Chennai Port Trust, Chennai.
4. The Chairman,
State Level Scrutiny Committee-III,
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai,
Secretariat, Chennai – 9.



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W.P.Nos.12138 of 2020 and 22361 of 2021

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.Nos.12138 of 2020 and 22361 of 2021
and W.M.P.No.23606 of 2021 in W.P.No.22361 of 2021

16.09.2026