

WP No.23827 of 2025 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2025

CORAM

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

WP Nos.23827 and 23854 of 2025

WP No.23827 of 2025

R.Gurusamy
S/o. Late Ramasamy Reddy,
Door No.40/123, K.R.G. Nagar,
III Cross, Ganapathy,
Coimbatore - 641 006.

Petitioner(s)

Vs

The Tamil Nadu State Level
Scrutiny Committee
Rep. by the Principal Secretary
to Government, Adi Dravidar and Tribal
Welfare Department, Secretariat,
Chennai-9 and 2 others

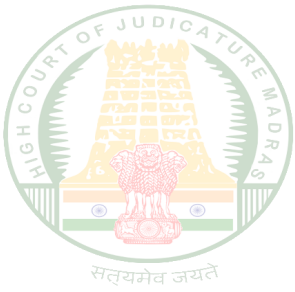
Respondent(s)

For Petitioner(s):

Mr.Ma.P.Thangavel

For Respondent(s):

Mr.A.Edwin Prabakar,
State Government Pleader



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Assisted by Mr.K.Karthik Jagannath,
Government Advocate for R1 and R2

Ms.Sunita Kumari,
Senior Panel Counsel for R3

WP No.23854 of 2025

V.Somasundaram
S/o.Late T.Venkitasamy,
now residing at Door No.5,
S.R.I. Mahalakshmi Garden, Itteri Road,
Annur Post-641 653, Coimbatore.

Petitioner(s)

Vs

The Tamil Nadu State Level
Scrutiny Committee-II
Adi Dravidar and Tribal Welfare Department,
Namakkal Kavingar Maligai, Secretariat,
Chennai-9 and another

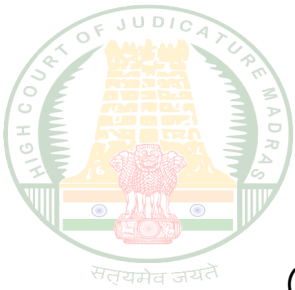
Respondent(s)

For Petitioner(s):

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For Respondent(s):

Mr.A.Edwin Prabakar,
State Government Pleader
Assisted by Mr.K.Karthik Jagannath,
Government Advocate for R1



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COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

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W.P.No.23827 of 2025 has been filed by the petitioner assailing the legality and validity of the show cause notice dated 5.2.2018 and the continuation of enquiry into the caste status of the petitioner after his retirement on 31.5.2022.

Amongst various grounds, the petitioner has called into question the validity of the action on the grounds, *inter alia*, that the enquiry, though initiated prior to his retirement on 31.5.2022, could not be continued thereafter. The other submission is that, as the community certificate was issued prior to 1995, it is no longer open for the Tamil Nadu State Level Scrutiny Committee [TNSLSC] or even for the departmental authorities to initiate any enquiry qua the caste status of the petitioner.

2. In W.P.No.23854 of 2025, the petitioner has assailed the proceedings dated 12.1.2021 initiated by the TNSLSC and has prayed for quashing the same as illegal on the ground that even



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though petitioner had retired from service on 31.3.2019, the proceedings are initiated after his retirement, which is impermissible in law. He has also prayed for disbursal of the entire retiral benefits and grant of full pension.

3.1. Learned counsel appearing for the petitioners in both the writ petitions raised common submissions and also relied upon various judgments passed by the Hon'ble Supreme Court and the Division Benches of this court in support of his submissions that after retirement, any enquiry into the community certificate could not be initiated and, even if initiated prior to retirement, could not be continued after retirement.

3.2. Another submission advanced by learned counsel for the petitioners is that in respect of those community certificates which have been issued prior to 1995, in any case, no enquiry is permissible in law.

3.3. Reliance is placed on a Division Bench judgment in the



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case of *S.R.Krishnakumari v. The Tamil Nadu State Legal Scrutiny Committee-III* [Order dated 27.3.2024 passed in W.P.No.31452 of 2022].

It is submitted that, in the aforesaid case, there was a difference of opinion and, therefore, it was referred for opinion of the third Hon'ble Judge, who concurred with the view that after retirement enquiry into caste status could not be continued.

3.4. Reliance is also placed on another Division Bench judgment in *N.Vasugi v. The Chairman, State Level Scrutiny Committee-III* [Order dated 5.6.2025 passed in W.P.No.20002 of 2025 and batch cases], wherein it has been held that verification of caste status after retirement is not permissible in law.

4.1. On the other hand, learned State Counsel has placed reliance on two other judgments of this Court.

4.2. Referring to the order passed by the Third Hon'ble Judge



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in the matter of difference of opinion in *V.Perumal v. Tamil Nadu*

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State Level Scrutiny Committee-III [Order dated 16.11.2023

passed in W.P.No.4484 of 2021] and majority view, it is contended that it has been categorically held that, even after retirement, such enquiry could be continued.

4.3. Learned State Counsel also referred to another order passed in *C.Arumugam v. The Chairman, State Level Scrutiny Committee-II [Order dated 12.4.2024 passed in W.P.No.9995 of 2021 and batch cases]*, wherein it has been held that verification of caste status is valid even after retirement and there is no such impediment.

4.4. It is also brought to our notice that, later on, in W.P.No.24381 of 2025, there was difference of opinion and the matter has been referred to the Hon'ble Chief Justice for opinion of the third Hon'ble Judge.

4.5. It is also brought to the notice of this court that in yet



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another case, viz., W.P.No.18212 of 2025, difference of opinion has led to reference made to the Hon'ble Chief Justice for opinion of the Third Hon'ble Judge.

5. We have gone through various orders which have been referred to by learned counsel for the parties. A clear cleavage of opinion emerges.

6. In W.P.No.4484 of 2021, an issue as to whether it was open to undertake verification of caste status in those cases where the community certificate was issued prior to 1995 arose for consideration.

There was difference of opinion on the issue. Therefore, the matter was referred to the Third Hon'ble Judge for opinion, who opined that there is no prohibition against enquiry into fake or false community certificate, even if issued prior to 1995.

The majority view, therefore, was that there is no prohibition



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against enquiry and verification of caste status only on the ground that the certificate is issued prior to 1995.

7. A Division Bench of this Court in the case of W.P.No.9995 of 2021 and batch cases has discussed in detail the issue as to whether verification of community certificate or caste status of any individual who secured employment under the Schedule Caste/Scheduled Tribe quota before 1995 is permissible.

It also considered the issue as to whether verification of caste status of government employee can be continued even after retirement of employee.

It further considered whether time limit should be prescribed for initiating proceedings for verification of caste status or community certificate of an employee.

An issue regarding withholding of terminal benefits on account of pendency of proceedings as to the verification of genuineness of



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the community certificate or caste status also arise for consideration.

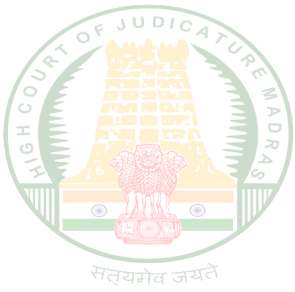
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In the said decision, the Division Bench held thus:

(a) Verification once started shall continue till its logical end and retirement of an employee during enquiry as to his caste status or community certificate does not affect the proceedings.

(b) Merely because appointment was made before 1995 or community certificate was obtained prior to 1995, there is no prohibition of verification of the caste status. Therefore, irrespective of the date of community certificate or date of appointment – before or after 1995 – verification as to the genuineness of the community certificate or caste status has to be brought to its logical end.

(c) Mere delay in making reference does not invalidate the order on scrutiny by the competent authority and no person can take advantage of the



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Scheduled Tribe Order for any other purpose solely because he has been shown indulgence to complete his course or has secured appointment by producing false certificate.

(d) If a person retires, the verification process cannot be delayed beyond three months and if the employee seeks unnecessary adjournment or refuses to appear for enquiry, he need not be given provisional pension or retirement benefits without giving him clean chit as to the genuineness of his claim.

8. However, a discordant note is struck by majority view in W.P.No.31452 of 2021, wherein it has been held that verification of genuineness of community certificate after retirement would not be permissible where the delay in initiating enquiry is attributable to the employer.

9. Concurring with the said view, another Division Bench of



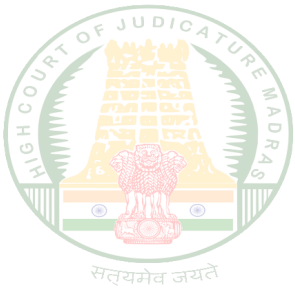
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this court in W.P.No.20002 of 2025 and batch cases, has held that any enquiry into genuineness of community certificate/caste status after retirement should not be allowed.

10. We also find that in two other cases, viz., W.P.No.24381 of 2025 and W.P.No.18212 of 2025, again there is a cleavage of opinion on the aforesaid issues leading to reference of the cases for opinion of the third Judge.

11. As there are conflicting views taken by Co-ordinate Benches of this court on the issues mentioned herein above, we are inclined to refer these cases to a Larger Bench to answer the following questions of law:

- (a) Whether verification into the genuineness of community certificate or caste status of an employee is permissible after retirement from service?
- (b) Whether verification into the genuineness of community certificate or caste status of an employee is permissible in cases where the employee was



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issued community certificate or granted employment prior to 1995?

(c) Whether verification into the genuineness of community certificate or caste status, which was initiated prior to retirement, could be continued after retirement of the employee?

The Registrar (Judicial) is directed to place the matter before the Chief Justice for constitution of a Larger Bench.

(MANINDRA MOHAN SHRIVASTAVA,CJ) (G.ARUL MURUGAN,J)
28.10.2025

sasi