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W.P.No.23827 of 2025 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.07.2026

DELIVERED ON : 30.07.2026

CORAM

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU
AND

THE HONOURABLE MR. JUSTICE G.ARUL MURUGAN

WP Nos.23827, 23854, 23885 of 2025; 25276 and 25277 of 2012;
8080 of 2019; 12549 of 2021; and 492 of 2023
and WMP Nos.13329 and 13328 of 2021; 441 of 2023

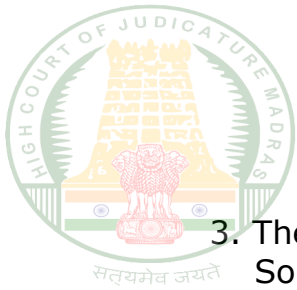
W.P.No.23827 of 2025:

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

Petitioner(s)

Vs

1. The Tamil Nadu State Level Scrutiny Committee
Rep. by the Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.
2. The Director of Tribal Welfare and Member Secretary
State Level Scrutiny Committee, Chepauk,
Chennai-05.



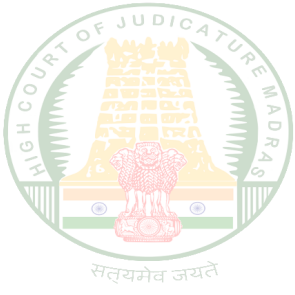
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3. The Senior Divisional Personal Officer
Southern Railways, Divisional Railways Manager Office,
Suramangalam, Salem-5.

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and batch cases Respondent(s)

<u>Case No.</u>	<u>Counsel for Petitioner</u>	<u>Counsel for Respondents</u>
W.P.No.23827/2025	Mr.V.Raghavachari Senior Counsel for Mr.MA.P.Thangavel	Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1 and R2 Mrs.Sunita Kumari Sr. Panel Counsel for R3
W.P.No.23854/2025	Mr.V.Raghavachari Senior Counsel for Mr.MA.P.Thangavel	Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1 No appearance for R2
W.P.No.23885/2025	Mr.V.Raghavachari Senior Counsel for Mr.MA.P.Thangavel	Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1 and R2 Mrs.Sunita Kumari Sr. Panel Counsel for R3
W.P.No.8080/2019	Mr.V.Vijay Shankar	Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1

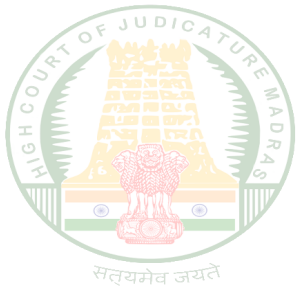


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W.P.No.12549/2021	Mr.L.Chandrakumar for Mr. Yogesh Kannadasan	Mr.K.Karthik Jagannath for R2 Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1 Mr. P.T.Ram Kumar Standing Counsel for R2 and R3
W.P.No.25276/2012	Mr.S.Udayakumar	Mr.R.Malaichamy for R1 R2-Tribunal Mr.Dhruva C.K.V. through video conferencing for R3
W.P.No.25277/2012	Mr.S.Udayakumar	No appearance for R1 R2-Tribunal
W.P.No.492/2023	Mr.V.Raghavachari Senior Counsel for Mr.MA.P.Thangavel	Mr.Vijay Narayan Advocate-General assisted by Mr.R.Veeramani Government Pleader for R1 Mr.K.Ramanamoorthy Sr. Panel Counsel for R2



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COMMON ORDER

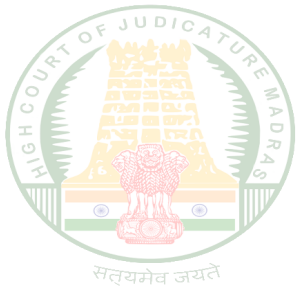
THE CHIEF JUSTICE

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This Full Bench is constituted to resolve a cleavage of judicial opinion that has split Coordinate Benches of this court. At the heart of this dispute lies a delicate issue, viz., on one hand, the right of an individual to live out their twilight years in peace following a lifetime of labour; and on the other, the foundational mandate of our Constitution of India to protect social reservations from being hijacked by fraud and/or deceit.

2. By an order dated 28.10.2025, a Division Bench of this Court referred the following three questions of law for our determination:

- (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?

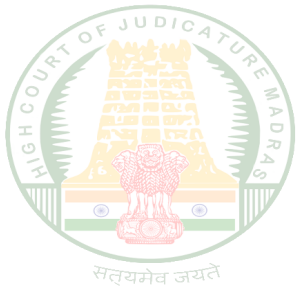
(c) Whether verification into the genuineness of community certificate or caste status, which was initiated prior to retirement, could be continued after retirement of the employee?

CONTENTIONS OF THE PETITIONERS

3. Mr.V.Raghavachari, Senior Counsel; Mr.V.Vijay Shankar; Mr.L.Chandrakumar; and Mr.S.Udayakumar, learned counsel for the petitioners, presented a comprehensive argument centered on fairness, procedural timelines, and human dignity:

(a) It was submitted that prior to the landmark judgment in *Kumari Madhuri Patil v. Additional Commissioner*¹, the field was governed by scattered government orders. In *Kumari Madhuri Patil* (supra), the Supreme Court set down strict timelines, stipulating that verification applications must be filed

¹ (1994) 6 SCC 241



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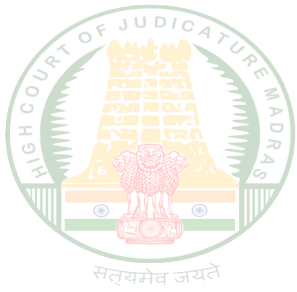


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six months in advance of an appointment and finalized within two months;

(b) Counsel drew attention to the State's own regulatory framework, including *G.O. (2D) No.108, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 12.9.2007, G.O. (Ms.) No.106, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 15.10.2012, and the Manual on Scheduled Caste/Scheduled Tribe Community Certificates – Issuance and Verification* issued vide *G.O. (Ms.) No.104, Adi Dravidar and Tribal Welfare (CV-I) Department, dated 21.8.2023*, all of which mandate swift, time-bound verifications. It is contended that the State/employer cannot sleep over its rights for decades, only to wield an inquiry like a dangling sword over an employee at the time of retirement, a practice explicitly condemned by the Supreme Court in *R.Sundaram v. The Tamil Nadu State Level Scrutiny Committee and others*².

² 2023 SCC OnLine SC 287



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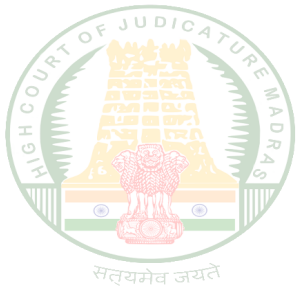
(c) Relying on a Lok Sabha Secretariat Office Memorandum dated 24.12.2020, and a Central Government letter dated 10.8.2020, they argued that verifying certificates of individuals appointed before 1995 amounts to harassment and that if no departmental or judicial proceedings are pending against the employee at the time of their retirement, withholding of their retirement benefit is not permissible.

(d) It is argued that that *Kumari Madhuri Patil* (supra) was intended to apply prospectively to individuals actively in service. Citing *Kanishk Sinha and another v. The State of West Bengal and another*³, it is also argued that judicial directives aimed at restructuring procedures cannot be applied retroactively to undo past settlements.

(e) It is pleaded that the decision of the Supreme Court in *Food Corporation of India and others v. Jagdish Balaram Bahira and others*⁴ contains no

³ 2025 LiveLaw (SC) 259

⁴ (2017) 8 SCC 670



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explicit mandate to reopen the status of long-retired employees.

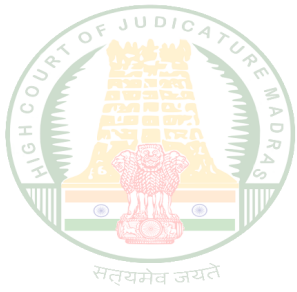
(f) The petitioners relied heavily on a string of recent decisions, including the Supreme Court decision in *Union of India v. S.Renuka and others*⁵, where the Supreme Court closed post-retirement inquiry on the ground that they had become purely academic; and a Division Bench decision in *V.Vallinayagam v. The Chairman, State Level Scrutiny Committee-II*⁶, which followed the Supreme Court decision in *S.Renuka* (supra).

(g) They referred to yet another decision of this court in *R.Shanthi v. The State Level Scrutiny Committee and others*⁷, wherein the writ petition was allowed, the enquiry notice was set aside and the respondents were directed to disburse the terminal benefits. It is stated that SLP (C) No.14135 of 2024, preferred by the employer against the aforesaid decision, was

⁵ SLP No.24458 of 2019, dated 3.3.2023

⁶ W.P.No.27823 of 2023, dated 25.9.2023

⁷ W.P.No.29351 of 2023, dated 18.4.2024



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dismissed by the Supreme Court vide order dated 12.7.2024.

(h) They also highlighted the decisions in *V.Navajothi v. The Tamilnadu State Level Scrutiny Committee and another*⁸ [which was upheld by the Supreme Court in SLP (C) No.13456 of 2024, vide order dated 11.7.2024] and *C.Pasupathi v. The Chairman, State Level Scrutiny Committee and others*⁹ [SLP (C) Diary No.1323 of 2023 preferred against the said judgment was dismissed by the Supreme Court vide order dated 9.2.2026] where retired employees were allowed to draw their pension upon giving an undertaking that their progeny would never claim the social reservation benefits.

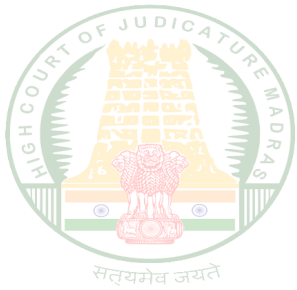
(i) Reference was also made to decisions of the Kerala High Court in *Lalitha and others v. The State of Kerala and others*¹⁰ and *P.B.Bhanumathi Amma and others v. State of Kerala*¹¹, which held that

8 W.P.No.31438 of 2022, dated 8.3.2024

9 W.P.(MD) No.7471 of 2025, dated 22.8.2025

10 2025 : KER : 41997

11 2025 SCC OnLine Ker 4473



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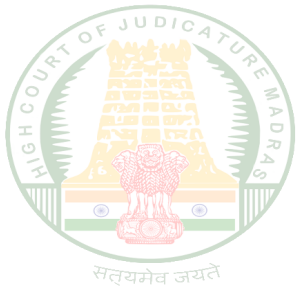
benefits already accrued during the subsistence of a certificate cannot be retrospectively pulled back upon retirement.

(j) It is submitted that in *S.R.Krishnakumari v. The Tamilnadu State Level Scrutiny Committee*¹², dissenting views were expressed by the Judges. While the Senior Judge held that initiation of vigilance enquiry after petitioner's superannuation is unsustainable, the other Judge held that if a person commits fraud in procuring the community certificate, it is a fraud played not only against the society, but against the Constitution. On a reference made, the third Judge, vide order dated 20.9.2024, upheld the view taken by the Senior Judge of the Division Bench.

(k) Reference is also made to yet another split verdict delivered by a Division Bench of this Court in *V.Perumal v. Tamil Nadu State Level Scrutiny Committee and others*¹³, wherein the Senior Judge

¹² W.P.No.31452 of 2022, dated 27.3.2024

¹³ W.P.No.4484 of 2021, dated 24.8.2023

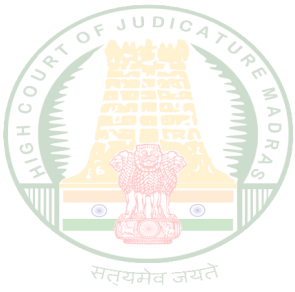


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held that in respect of appointments made prior to 1995, it is not open for the Central Government, State Government and Public Sector Undertakings to deny continuous employment or post retirement benefits on the basis of a post facto finding of falsity of claims or doubtful caste/community certificates presented at the time of appointments. The other Judge held against the petitioner. On a reference made, the third Judge, vide order dated 16.11.2023, reiterated the view of the Junior Judge of the Division Bench, and, in paragraph 37 of the said order, directed the State to take necessary penal action against the petitioner, and further directed the employer to proceed against the petitioner for necessary action of recovery in accordance with law. He submitted that on a challenge to the said decision, the Supreme Court vide order dated 15.12.2023 passed in SLP (C) Diary No.50747 of 2023, stayed the operation of *para 37 of the order dated 16.11.2023*.



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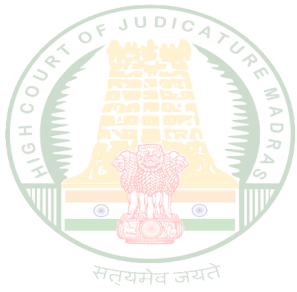
CONTENTIONS OF THE STATE

4. Learned Advocate General countered these arguments with an appeal to constitutional integrity, parity, and the unyielding legal principle that fraud unravels everything:

(a) The State argued that Questions of law (a) and (c) are fundamentally connected by a singular truth that if an entry into service is built on fraud, the passage of time cannot sanctify it.

(b) Relying on the plenary ruling in *Food Corporation of India and others (supra)*, it is argued that an appointment secured via a fake certificate is *ab initio* void, it is a non-appointment in the eyes of the law. Consequently, the protective umbrella of Article 311 of the Constitution does not apply because the individual never validly entered the service.

(c) It is emphasized that reservation is a vital facet of the constitutional guarantee of equality. When an ineligible person occupies a reserved seat, they commit a fraud on the Constitution and deprive a



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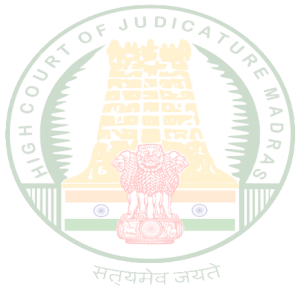
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genuine, marginalized candidate of their rightful place. In such cases, equity has no role to play.

(d) It is argued that *Kumari Madhuri Patil (supra)* did not alter substantive law, but merely set up an administrative mechanism for verification. The underlying law that fraud vitiates every subsequent benefit remains timeless.

(e) It is submitted that the High Court does not possess the power to read a prospective limitation into Supreme Court rulings, unless explicitly stated by the Supreme Court itself.

(f) Concluding with a reference to paragraph 67 of *Food Corporation of India and others (supra)*, it is asserted that protecting the service or retiral benefits of an individual who falsified their identity is equivalent to "*allowing a thief to retain stolen property.*" Accepting an undertaking to protect a career built on misrepresentation would violate the spirit of the Constitution.



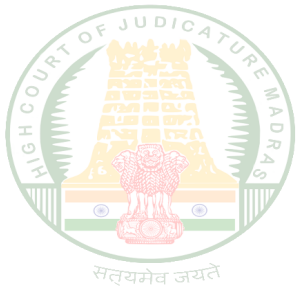
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CONSIDERATION & FINDINGS

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5. To resolve these questions, we must anchor our reasoning firmly upon the core propositions established by the Supreme Court of India.

6. The Supreme Court in *Kumari Madhuri Patil* (supra) held that an admission or appointment wrongly gained on the basis of a false social status certificate has the direct effect of depriving genuine Scheduled Castes, Scheduled Tribes, or OBC candidates of the constitutional benefits intended for them. Because spurious claims deny genuine candidates their livelihoods and educational opportunities, the Supreme Court ruled that social status certificates must be scrutinized with the utmost promptitude and expedition. It laid down a uniform, 15-point procedural matrix, including the creation of Scrutiny Committees and Vigilance Cells, expressly to root out fraud. For ease of reference, the procedure evaluated by the Supreme Court is reproduced herein below:



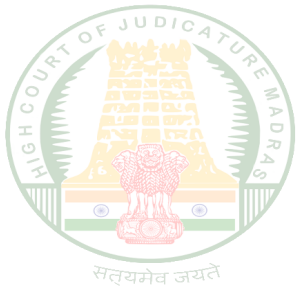
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"13. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates as enjoined in the Constitution of the benefits conferred on them by the Constitution. The genuine candidates are also denied admission to educational institutions or appointments to office or posts under a State for want of social status certificate. The ineligible or spurious persons who falsely gained entry resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is true that the applications for admission to educational institutions are generally made by a parent, since on that date many a time the student may be a minor. It is the parent or the guardian who may play fraud claiming false status certificate. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, which may be the following:

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or



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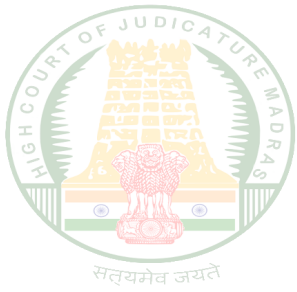
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Deputy Commissioner and the certificate shall be issued by such officer rather than at the Officer, Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer high-er in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the case may be, and (III) in the case of Scheduled Castes another officer who



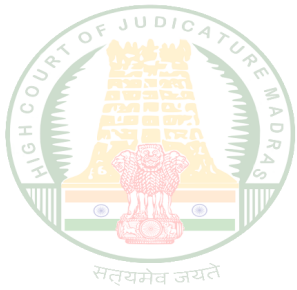
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has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal communities, parts of or groups of tribes or tribal communities.

5. Each Directorate should constitute a vigilance cell consisting of Senior Deputy Superintendent of Police in over-all charge and such number of Police Inspectors to investigate into the social status claims. The Inspector would go to the local place of residence and original place from which the candidate hails and usually resides or in case of migration to the town or city, the place from which he originally hailed from. The vigilance officer should personally verify and collect all the facts of the social status claimed by the candidate or the parent or guardian, as the case may be. He should also examine the school records, birth registration, if any. He should also examine the parent, guardian or the candidate in relation to their caste etc. or such other persons who have knowledge of the social status of the candidate and then submit a report to the Directorate together with all particulars as envisaged in the pro forma, in particular, of



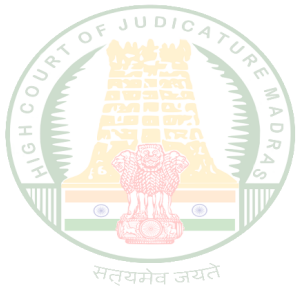
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the Scheduled Tribes relating to their peculiar anthropological and ethnological traits, deity, rituals, customs, mode of marriage, death ceremonies, method of burial of dead bodies etc. by the castes or tribes or tribal communities concerned etc.

6. The Director concerned, on receipt of the report from the vigilance officer if he found the claim for social status to be "not genuine" or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned should issue show-cause notice supplying a copy of the report of the vigilance officer to the candidate by a registered post with acknowledgement due or through the head of the educational institution concerned 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. In case, the candidate seeks for an opportunity of hearing and claims an inquiry to be made in that behalf, the Director on receipt of such representation/reply shall convene the committee and the Joint/Additional Secretary



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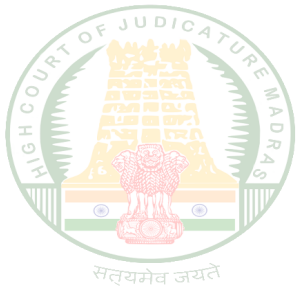


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as Chairperson who shall give reasonable opportunity to the candidate/parent/guardian to adduce all evidence in support of their claim. A public notice by beat of drum or any other convenient mode may be published in the village or locality and if any person or association opposes such a claim, an opportunity to adduce evidence may be given to him/it. After giving such opportunity either in person or through counsel, the Committee may make such inquiry as it deems expedient and consider the claims vis-à-vis the objections raised by the candidate or opponent and pass an appropriate order with brief reasons in support thereof.

7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their



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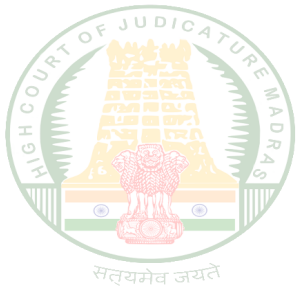


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support of the claim for the social status certificates.

9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

10. In case of any delay in finalising the proceedings, and in the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer or non-official and such admission or appointment should be only



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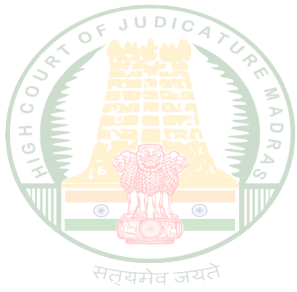
provisional, subject to the result of the inquiry by the Scrutiny Committee.

11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.

14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making false claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.



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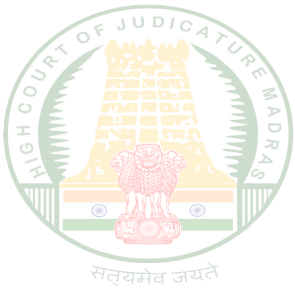
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15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to the educational institution concerned or the appointing authority by registered post with acknowledgement due with a request to cancel the admission or the appointment. The Principal etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post."

[emphasis supplied]

7.1. The aforesaid directions were validated in a subsequent Three-Judge Bench decision of the Supreme Court in *Dayaram v. Sudhir Batham and others*¹⁴, and it was held that these directions are legally binding, necessary, and designed to defend the integrity of public administration.

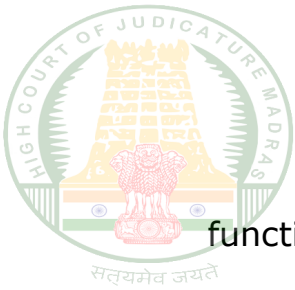
¹⁴ (2012) 1 SCC 333



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7.2. In *Dayaram (supra)*, the Supreme Court reaffirmed that the procedural directives (Directions 1 to 15) in *Madhuri Patil (supra)* are entirely valid and do not constitute an impermissible legislative overreach. Apropos direction (13) of the decision in *Kumari Madhuri Patil (supra)*, the Supreme Court clarified that while intra-court appeals from a Single Judge to a Division Bench cannot be barred if permitted by local State enactments or Letters Patents, the substantive command to verify and cancel fraudulent certificates remains absolute and uncompromised.

7.3. As illuminated by the Three-Judge Bench in *Dayaram (supra)*, the directions issued in *Kumari Madhuri Patil (supra)* are intrinsic to the fulfillment of the fundamental and socio-economic rights of backward classes. The Supreme Court explicitly recognized that when a legislative vacuum exists, the judiciary has a constitutional duty to step in and fashion modalities out of the existing executive apparatus. This ensures that the benefits of affirmative action are derived exclusively by eligible citizens. Therefore, the administrative mechanism of the Scrutiny Committee



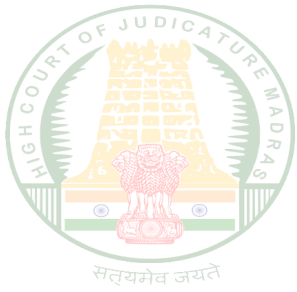
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functions as a binding 'quasi-legislative' stopgap scheme that remains fully operative until replaced by explicit State legislation.

7.4. Furthermore, *Dayaram* (supra) clarified that the Scrutiny Committee is not a traditional adjudicating court or tribunal, but an investigative administrative body that verifies historical facts through its Vigilance Cell.

8.1. The foundational ruling that completely governs the issues before us is the Supreme Court's decision in *Food Corporation of India* (supra). The Supreme Court laid down several non-negotiable propositions, such as:

- (a) An appointment secured against a post reserved for a Scheduled Caste or Scheduled Tribe by a person who does not belong to that community is a total nullity from its inception. It is no appointment in law, and the employee cannot claim the protection of Article 311 of the Constitution;
- (b) The services of a person who obtained an appointment through a false certificate cannot be



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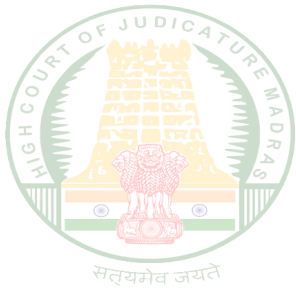
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protected, nor can they be reinstated or insulated simply because they offer an undertaking that they or their family members will not claim reserved benefits in the future. To accept such an undertaking would be to validate a fraud on the Constitution;

(c) Protecting the service or benefits of a person found to belong to a non-reserved category would be akin to "*allowing a thief to retain stolen property.*" Equity, compassion, and administrative delay cannot be pleaded to sustain a benefit that was stolen from a genuine marginalized candidate; and

(d) When the entry into public service is secured through a false social status claim, it represents a fraud on the Constitution itself. Because such an appointment is a total nullity *ab initio*, the protective cover of Article 311 cannot be invoked.

8.2. It is seemly to refer to the relevant observations of the Supreme Court in *Food Corporation of India* (supra) hereunder:



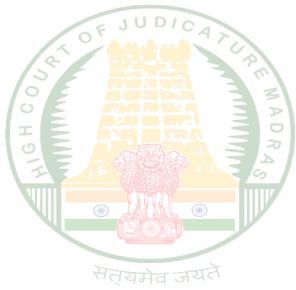
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"25. In Bank of India v. Avinash D. Mandivikar, (2005) 7 SCC 690 the first respondent obtained an appointment in the service of the bank in October 1976 on a post reserved for the Scheduled Tribes. The Scrutiny Committee found that he did not belong to a Scheduled Tribe and, therefore, invalidated the caste certificate. Following the termination of his services the first respondent moved the High Court which accepted his plea that the initiation of proceedings against him by the Scrutiny Committee for verification of the caste certificate in 1987 was beyond a reasonable period. The High Court, while allowing the plea, reinstated [Avinash D. Mandivikar v. Bank of India, (2002) 3 CLR 997 (Bom)] him in service with back wages. In an appeal by the employer, this Court held that once a claim of the employee to belong to a Scheduled Tribe had been rejected, the employment was "no appointment in the eye of the law" and that he had "absolutely no justification for his claim" in respect of the post he usurped. Distinguishing the directions issued in State of Maharashtra v. Milind, (2001) 1 SCC 4 (under Article 142), this Court held that : Bank of India v. Avinash D. Mandivikar, (2005) 7 SCC 690 SCC p. 698, para 10:

'10. The protection under State of Maharashtra v. Milind, (2001) 1 SCC 4, cannot



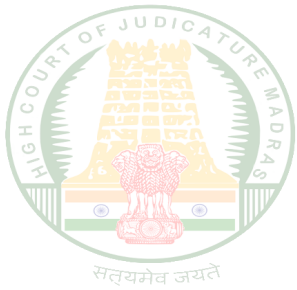
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be extended to Respondent 1 employee as the protection was given under the peculiar factual background of that case. The employee concerned was a doctor and had rendered long years of service. This Court noted that on a doctor, public money has been spent and, therefore, it will not be desirable to deprive the society of a doctor's service. Respondent 1 employee in the present case is a bank employee and the factor which weighed with this Court cannot be applied to him."

*The above observations of the Court are also an indication that para 38 of the decision in State of Maharashtra v. Milind, (2001) 1 SCC 4 was construed as consisting of directions issued under Article 142. For it was on that basis that the court in Bank of India v. Avinash D. Mandivikar, (2005) 7 SCC 690, held that no case was made out for protecting the services of a bank employee who had obtained employment on the basis of a false claim. Besides, **this Court also held that the first respondent having perpetrated a fraud, a claim for protection will not be legally sustainable and a person who had obtained employment by illegitimate means could not continue to enjoy the fruits of the appointment despite the clear finding by the Scrutiny Committee that "he does not even have a shadow***



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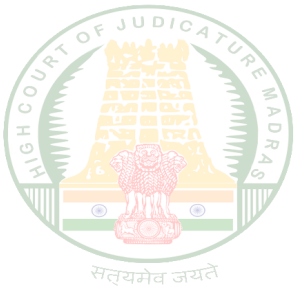


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of a right even to be considered for appointment”.

This Court relied upon the earlier decision in R. Vishwanatha Pillai v. State of Kerala, (2004) 2 SCC 105, in coming to its conclusion.

*26. Another decision of two learned Judges was in BHEL v. Suresh Ramkrishna Burde, (2007) 5 SCC 336, where a Division Bench of the Bombay High Court had ordered reinstatement subject to the condition that the employee would not stake a claim to belong to the Scheduled Tribe in future. The claim of the employee to belong to the Halba Scheduled Tribe was invalidated by the Scrutiny Committee. The employee had been appointed in May 1982 to a clerical post and in August 1995 the Scrutiny Committee had invalidated the caste claim initially and again in August 2001 following an order of remand. A writ petition filed against the order of invalidation was withdrawn but thereafter, relying on the observations in the concluding paragraph in State of Maharashtra v. Milind, (2001) 1 SCC 4, the employee submitted a representation for the protection of his services. **After the representation was rejected, the employee moved the High Court which directed his reinstatement but with the condition that he would not claim the benefit of belonging to a Scheduled Caste in future.** While construing the decision in State of*



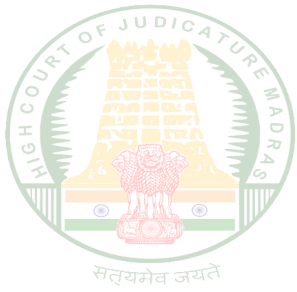
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Maharashtra v. Milind, (2001) 1 SCC 4, (upon which the High Court had placed reliance), this Court observed as follows: BHEL v. Suresh Ramkrishna Burde, (2007) 5 SCC 336, SCC pp. 340-41, paras 7-8)

*'7. The High Court has granted relief to the respondent and has directed his reinstatement only on the basis of the Constitution Bench decision of this Court in State of Maharashtra v. Milind, (2001) 1 SCC 4. **In our opinion the said judgment does not lay down any such principle of law that where a person secures an appointment by producing a false caste certificate, his services can be protected and an order of reinstatement can be passed if he gives an undertaking that in future he and his family members shall not take any advantage of being member of a caste which is in reserved category.** The questions which required consideration by the Constitution Bench, are noted in the very first paragraph of the judgment and they are being reproduced below : (SCC p. 11, para 1)*

'(1) Whether at all, it is permissible to hold enquiry and let in evidence to decide or declare that any tribe or tribal community or part of or group within any tribe or tribal community is



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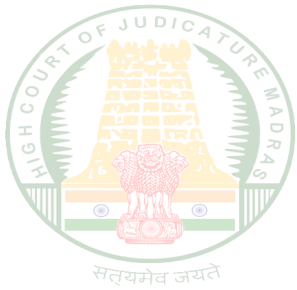


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included in the general name even though it is not specifically mentioned in the entry concerned in the Constitution (Scheduled Tribes) Order, 1950?

(2) Whether "Halba Koshti" caste is a sub-tribe within the meaning of Entry 19 (Halba/Halbi) of the said Scheduled Tribes Order relating to the State of Maharashtra, even though it is not specifically mentioned as such?'

8. After thorough discussion of the matter, the conclusions of the Bench are recorded in para 36 of the Report. It was held that it is not at all permissible to hold any enquiry or let in any evidence to decide or declare that any tribe or tribal community or part of or group within any tribe or tribal community is included in the general name even though it is not specifically mentioned in the entry concerned in the Constitution (Scheduled Tribes) Order, 1950. It was further held that the notification issued under clause (1) of Article 342, specifying Scheduled Tribes, can be amended only by law to be made by Parliament and it is not open to the State Governments or courts or any other authority to modify, amend or alter the list of



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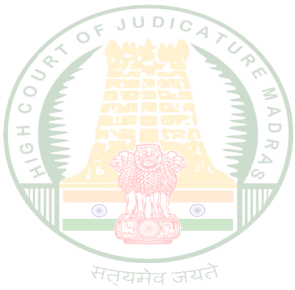
*Scheduled Tribes specified in the notification issued under clause (1) of Article 342 and the Constitution (Scheduled Tribes) Order, 1950. **The law declared by the Constitution Bench does not at all lay down that where a person secures an appointment by producing a false caste certificate, his services can be protected on his giving an undertaking that in future he will not take any advantage of being a member of the reserved category.'***

In this view of the matter, the High Court was held to be in error in setting aside the order of termination and in directing reinstatement of the employee."

...

31. The following decisions of this Court, the act of obtaining a benefit reserved for designated castes, tribes and classes by an individual who does not belong to the designated community on the basis of a false caste claim, has been held to constitute an egregious violation, even a fraud on the Constitution:

31.1. In Anjan Kumar v. Union of India, (2006) 3 SCC 257 this Court held that : (SCC p. 265, para 14)



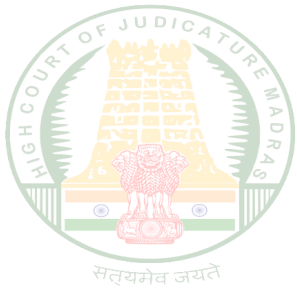
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'14. ... A person not belonging to the Scheduled Castes or Scheduled Tribes claiming himself to be a member of such caste by procuring a bogus caste certificate is a fraud under the Constitution of India. The impact of procuring fake/bogus caste certificate and obtaining appointment/admission from the reserved quota will have far-reaching grave consequences. The meritorious reserved candidate may be deprived of reserved category for whom the post is reserved. The reserved post will go into the hand of non-deserving candidate and in such cases it would be violative of the mandate of Articles 14 and 21 of the Constitution.'

31.2. In State of Maharashtra v. Ravi Prakash Babulalsing Parmar, (2007) 1 SCC 80, this Court observed thus : (SCC p. 89, para 23)

'23. The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. **If**



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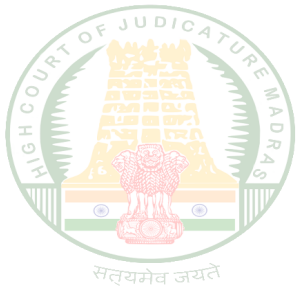


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and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter.'

31.3. Similar observations are contained in the judgment of this Court in Central Bank of India v. Madhulika Guruprasad Dahir, (2008) 13 SCC 170: (SCC p. 176, para 14)

'14. ... It would suffice to state that except in a few decisions, where the admission/ appointment was not cancelled because of peculiar factual matrix obtaining therein, the consensus of judicial opinion is that equity, sympathy or generosity has no place where the original appointment rests on a false caste certificate. A person



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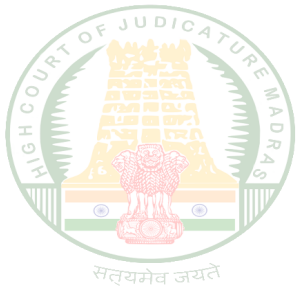


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who enters the service by producing a false caste certificate and obtains appointment to the post meant for a Scheduled Caste or Scheduled Tribe or OBC, as the case may be, deprives a genuine candidate falling in either of the said categories, of appointment to that post, does not deserve any sympathy or indulgence of this Court. He who comes to the Court with a claim based on falsity and deception cannot plead equity nor the Court would be justified to exercise equity jurisdiction in his favour.'

...

47. The backdrop for the decision in *Madhuri Patil v. Commr., Tribal Development*, (1994) 6 SCC 241, was provided by the significant scale on which benefits were secured by imposters by passing themselves off as members of castes, tribes and classes for whom reservations have been earmarked pursuant to constitutional provisions. By its directions, which this Court issued on 2.9.1994, provision was made for the constitution of committees for verification of claims belonging to a designated caste, tribe or class. This Court explained the modalities to be followed by the Scrutiny Committees and the manner in which action would be taken if a claim was found to



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*be false. **The directions which were issued by this Court envisaged that upon a claim being found to be false or spurious:***

47.1. the Caste Scrutiny Committee should pass an order cancelling and confiscating the certificate;

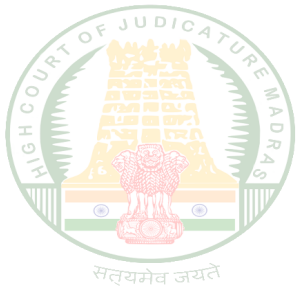
47.2. the cancellation of the certificate should be communicated to the educational institution where the candidate has been admitted or to the appointing authority where the candidate is employed;

*47.3. **upon this, the head of the institution or the appointing authority should cancel the admission or appointment without further notice and debar the candidate from further study or continuance in office; and***

*47.4. **a prosecution should be launched against the candidate or, as the case may be, the parents or guardians responsible for making the false claim.***

...

69. For these reasons, we hold and declare that:



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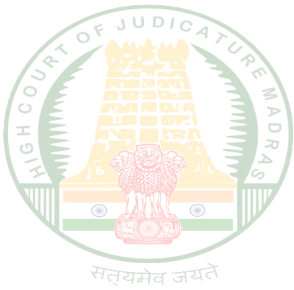


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69.1. *The directions which were issued by the Constitution Bench of this Court in para 38 of the decision in State of Maharashtra v. Milind, (2001) 1 SCC 4, were in pursuance of the powers vested in this Court under Article 142 of the Constitution;*

69.2. *Since the decision of this Court in Madhuri Patil v. Commr., Tribal Development, (1994) 6 SCC 241, which was rendered on 2-9-1994, the regime which held the field in pursuance of those directions envisaged a detailed procedure for:*

- (a) the issuance of caste certificates;
- (b) scrutiny and verification of caste and tribe claims by Scrutiny Committees to be constituted by the State Government;
- (c) the procedure for the conduct of investigation into the authenticity of the claim;
- (d) Cancellation and confiscation of the caste certificate where the claim is found to be false or not genuine;
- (e) Withdrawal of benefits in terms of the termination of an appointment, cancellation of an admission to an educational institution or disqualification from an electoral office obtained on the basis that the candidate belongs to a reserved category; and
- (f) Prosecution for a criminal offence.



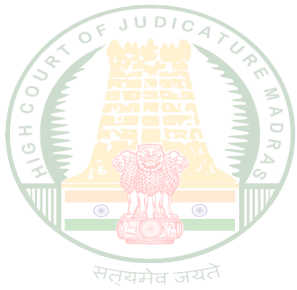
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69.3. The decisions of this Court in *R. Vishwanatha Pillai v. State of Kerala*, (2004) 2 SCC 105 and in *Union of India v. Dattatray*, (2008) 4 SCC 612, which were rendered by Benches of three Judges laid down the principle of law that **where a benefit is secured by an individual – such as an appointment to a post or admission to an educational institution – on the basis that the candidate belongs to a reserved category for which the benefit is reserved, the invalidation of the caste or tribe claim upon verification would result in the appointment or, as the case may be, the admission being rendered void or non est.**

69.4. The exception to the above doctrine was in those cases where this Court exercised its power under Article 142 of the Constitution to render complete justice;

69.5. By Maharashtra Act 23 of 2001 there is a legislative codification of the broad principles enunciated in *Madhuri Patil*. The legislation provides a statutory framework for regulating the issuance of caste certificates (Section 4); constitution of Scrutiny Committees for verification of claims (Section 6); submission of applications for verification of caste



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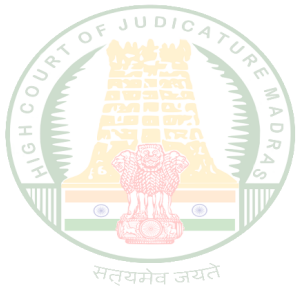
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certificates [Sections 6(2) and 6(3)]; cancellation of caste certificates (Section 7); burden of proof (Section 8); withdrawal of benefits obtained upon the invalidation of the claim (Section 10); and initiation of prosecution (Section 11), amongst other things;

69.6. The power conferred by Section 7 upon the Scrutiny Committee to verify a claim is both in respect of caste certificates issued prior to and subsequent to the enforcement of the Act on 18-10-2001. Finality does not attach to a caste certificate (or to the claim to receive benefits) where the claim of the individual to belong to a reserved caste, tribe or class is yet to be verified by the Scrutiny Committee;

69.7. Withdrawal of benefits secured on the basis of a caste claim which has been found to be false and is invalidated is a necessary consequence which flows from the invalidation of the caste claim and no issue of retrospectivity would arise;

69.8. The decisions in Kavita Solunke v. State of Maharashtra, (2012) 8 SCC 430, and Shalini v. New English High School Assn., (2013) 16 SCC 526, of two learned Judges are overruled. Shalini v. New English High School Assn., (2013) 16 SCC 526, insofar as it stipulates a requirement of a dishonest intent for the



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application of the provision of Section 10 is, with respect, erroneous and does not reflect the correct position in law;

69.9. Mens rea is an ingredient of the penal provisions contained in Section 11. Section 11 is prospective and would apply in those situations where the act constituting the offence has taken place after the date of its enforcement;

69.10. The judgment of the Full Bench of the Bombay High Court in Arun v. State of Maharashtra, 2014 SCC OnLine Bom 4595, is manifestly erroneous and is overruled; and

69.11. Though the power of the Supreme Court under Article 142 of the Constitution is a constitutional power vested in the court for rendering complete justice and is a power which is couched in wide terms, the exercise of the jurisdiction must have due regard to legislative mandate, where a law such as Maharashtra Act 23 of 2001 holds the field."

[emphasis supplied]

9. While the petitioners rely on *Kanishk Sinha* (supra) to argue that procedural changes, such as the creation of Scrutiny

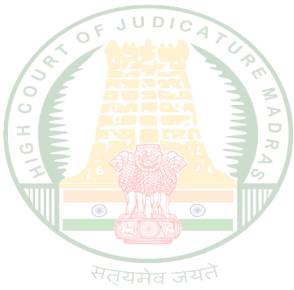


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Committees, are prospective, this argument misses the mark. The substantive law that fraud vitiates all subsequent actions has always been the law of the land. *Kumari Madhuri Patil* (supra) did not create a new offence, it merely provided an administrative forum to uncover preexisting and ongoing frauds. A false certificate presented before 1995 is just as fraudulent and void as one presented after 1995.

10. The petitioners' reliance on the prospective restructuring of procedures is fundamentally flawed. As established in *Dayaram* (supra), Scrutiny Committees were specifically empowered to carry out the verification of community certificates that had been routinely issued without prior inquiry, such as those granted by Tahsildars on mere self-affidavits. The relevant observation made in *Dayaram* (supra) is reproduced hereunder:

"36. Having regard to the scheme for verification formulated by this Court in *Madhuri Patil* the Scrutiny Committees carry out verification of caste certificates issued without prior enquiry, as for example, the caste certificates issued by Tahsildars or other officers of the departments of



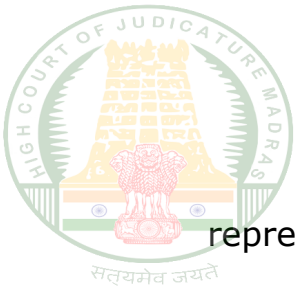
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Revenue/Social Welfare/Tribal Welfare, without any enquiry or on the basis of self-affidavits about caste. If there were to be a legislation governing or regulating grant of caste certificates, and if caste certificates are issued after due and proper inquiry, such caste certificates will not call for verification by the Scrutiny **Committees. Madhuri Patil provides for verification only to avoid false and bogus claims. The said scheme and the directions therein have been satisfactorily functioning for the last one-and-a-half decades. If there are any shortcomings, the Government can always come up with an appropriate legislation to substitute the said scheme.** We see no reason why the procedure laid down in *Madhuri Patil* [(1994) 6 SCC 241 : 1994 SCC (L&S) 1349 : (1994) 28 ATC 259] should not continue in the absence of any legislation governing the matter.”

[emphasis supplied]

11. Since fraud unravels everything, the date of 1995 holds no magical immunity. Both *Dayaram* (supra) and *Food Corporation of India* (supra) affirm that the verification mechanism applies continuously to any unchecked or disputed certificate relied upon by a candidate to secure or enjoy a reserved vacancy. A false



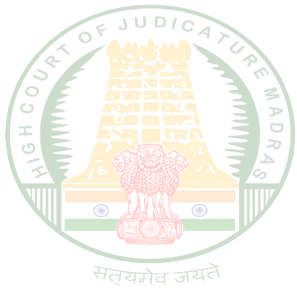
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representation made in prior to 1995 does not metamorphose into a legal truth simply because it escaped detection until the employee's retirement.

12. We find ourselves in agreement with the majority view of the Coordinate Bench in *V.Perumal* (supra) and the decision in *C.Arumugam v. The Chairman, State Level Scrutiny Committee-II*¹⁵. The Benches in those matters correctly applied the absolute mandates of the Supreme Court in *Dayaram* (supra) and *Food Corporation of India* (supra). They accurately concluded that neither a pre-1995 appointment/certificate date nor the superannuation of an employee functions as a statutory bar to verifying community credentials. When a public benefit is claimed on a false baseline, the verification process must be brought to its logical end. In fact, we endorse the following observations of the Division Bench in *C.Arumugam* (supra):

"31. ... In this regard, the binding effect of the judgment of the Hon'ble Supreme Court has been considered by a Constitution Bench of the Hon'ble Supreme Court in Commissioner of Central Excise,

¹⁵ Order dated 12.4.2024 in *W.P.No.9995 of 2021 etc.*



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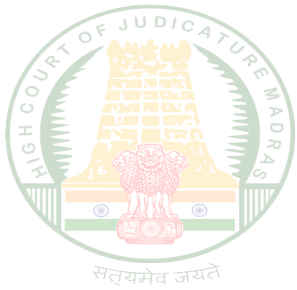


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Bolpur v. Ratan Melting and Wire Industries reported in (2008) 13 SCC 1, to hold as follows

'7. Circulars and instructions issued by the Board are no doubt binding in law on the authorities under the respective statutes, but when the Supreme Court or the High Court declares the law on the question arising for consideration, it would not be appropriate for the Court to direct that the circular should be given effect to and not the view expressed in a decision of this Court or the High Court. So far as the clarifications/circulars issued by the Central Government and of the State Government are concerned they represent merely their understanding of the statutory provisions. They are not binding upon the court. It is for the Court to declare what the particular provision of statute says and it is not for the Executive. Looked at from another angle, a circular which is contrary to the statutory provisions has really no existence in law.'

32. When the Hon'ble Supreme Court has rendered a judgment which is reiterated in several judgments of



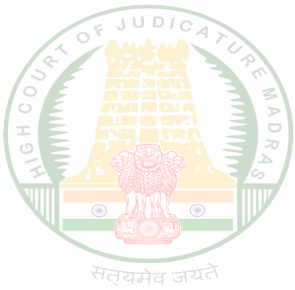
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*the Hon'ble Supreme Court, **there cannot be an Office Memorandum which would whittle down the judgment of Hon'ble Supreme Court which is binding as a law declared in terms of Article 141 of the Constitution. When the judgment of the Hon'ble Supreme Court is binding not only as a precedent, but as a law declared, there cannot be an official instruction on the interpretation of the judgment so as to limit its operation. This is the mischief that was done by way of the Office Memorandum dated 24.12.2020.***

33. Therefore, this Court is unable to agree with the submission of the learned counsels appearing for the petitioners that there cannot be verification of Community Certificates which were obtained prior to 1995. Equally, merely because appointment was before 1995, it cannot be said that verification in those cases cannot be done, as rightly pointed out by Hon'ble Mrs. Justice N.Mala while expressing dissenting view that this Court cannot declare or legitimise fraud committed by a person merely because he obtained the false certificate or got employment based on a false claim before 1995. It is settled that fraud vitiates every solemn transaction and there cannot be a legal sanction to condone fraud



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if it is committed before 1995. Therefore, irrespective of date of Community Certificate or date of appointment before or after 1995, verification as to the genuineness of Community Certificate or claim as to one's community status shall continue to its logical end."

[emphasis supplied]

13. Consequently, the contrary views articulated in *S.R. Krishnakumari* (supra) and *N.Vasugi v. The Chairman, State Level Scrutiny Committee-III*¹⁶ cannot be sustained as good law. The proposition that an inquiry into the genuineness of a community certificate lapses or becomes impermissible post-retirement simply because the delay might be attributable to the employer runs completely counter to the Supreme Court's strict mandate that 'fraud unravels everything'. That apart, allowing employees to draw pension upon giving an undertaking that their progeny would never claim the social reservation benefits runs athwart the decisions of the Supreme Court. Allowing administrative delay or retirement to permanently immunize a fraudulent entry into service would result in a grave constitutional failure, leaving stolen public reservations

¹⁶ Order dated 5.6.2025 in W.P.No.20002 of 2025



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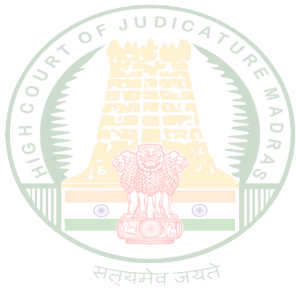
completely unchecked. The decisions in *S.R.Krishnakumari* (supra) and *N.Vasugi* (supra) are hereby explicitly overruled.

14. The judgments of the Supreme Court in *R.Sundaram*; *S.Renuka*; *SLP (C) No.14135 of 2024*; *SLP (C) No.13456 of 2024*; *SLP (C) Diary No.1323 of 2023* (all referred to supra), are delivered by Two-Judge Benches of the Supreme Court without reference to the Three-Judge Bench decision in *Food Corporation of India and others* (supra) and in light of the proposition of law enunciated in *Food Corporation of India and others* (supra), we hold that the five aforesaid decisions of the Supreme Court, are distinguishable.

15. Applying the binding Supreme Court propositions to the questions referred to us, this Full Bench rules as follows:

(1) Question (a) is answered in the Affirmative:

Verification into the genuineness of a community certificate or caste status of an employee remains legally permissible even after their retirement from service. Since an appointment obtained by fraud is *ab initio* void, retirement does not wash away the



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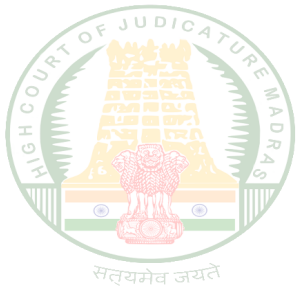
foundational illegality, and retiral benefits flowing from a void entry cannot be protected.

(2) Question (b) is answered in the Affirmative:

The employers and Scrutiny Committees are fully empowered to verify the genuineness of a community certificate or caste status, irrespective of whether the certificate was issued or the employment was granted prior to the year 1995. Fraud has no expiry date, and the procedural mechanics established vide *Kumari Madhuri Patil* (supra) in 1994 do not grant immunity to older deceptions.

(3) Question (c) is answered in the Affirmative:

A lawful verification process into an employee's caste status initiated prior to retirement does not lapse upon superannuation and must be permitted to continue to its logical conclusion. To hold otherwise



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W.P.No.23827 of 2025 etc.

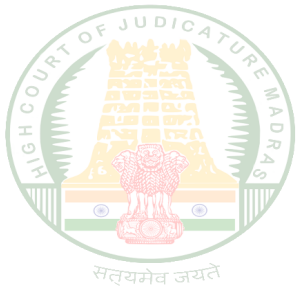
would allow dilatory tactics to defeat constitutional accountability.

DIRECTIVES TO THE STATE:

16. While the law must take its course, we cannot tolerate the use of delayed procedures as a dangling sword or an engine of unnecessary harassment. To balance constitutional integrity with fairness, we issue the following directives:

(a) The State Government is directed to immediately fortify the State Level Scrutiny Committees and District Level Vigilance Committees with adequate manpower and anthropological experts. This institutional strengthening must be targeted at eliminating massive systemic backlogs and ensuring rigid, strict compliance with the multi-point verification matrix established in *Kumari Madhuri Patil* (supra).

(b) All public employers are directed to initiate and complete the verification of community certificates



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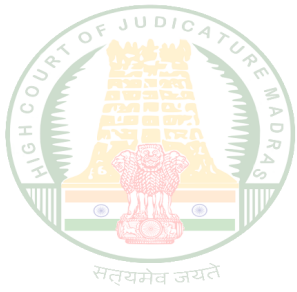


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within the initial years of an employee's service, rather than waiting until the fag end of their career or after retirement.

(c) In cases where inquiries are pursued post-retirement, they must be conducted on a fast-track, day-to-day basis and completed within a maximum period of two months to avoid keeping pensionary benefits suspended indefinitely.

(d) The State shall not accept simple undertakings, such as promising that the employee's progeny will not claim future reservation benefits, as a mechanism to preserve accrued retiral benefits or insulate careers built on active misrepresentation. Allowing a candidate to retain benefits stolen from genuine marginalized individuals is legally untenable and equivalent to allowing a thief to retain stolen property.



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The reference stands answered accordingly. The Registry is directed to place the individual writ petitions before the appropriate roster bench for disposal on merits.

(SUSHRUT ARVIND DHARMADHIKARI, CJ)

(K.KUMARESH BABU, J.)

(G.ARUL MURUGAN, J.)

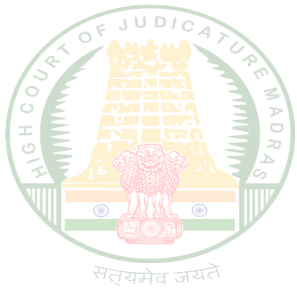
30.07.2026

Index : Yes
Neutral Citation : Yes

Note to Registry:

Mark a copy of this order to the Chief Secretary, Government of Tamil Nadu, for taking requisite steps with dispatch.

sasi



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W.P.No.23827 of 2025 etc.

THE HON'BLE CHIEF JUSTICE
K.KUMARESH BABU,J.
AND
G.ARUL MURUGAN,J.

(sasi)

W.P.No.23827, 23854, 23885 of 2025; 8080 of 2019;
12549 of 2021; 25276, 25277 of 2012 and 492 of 2023

30.07.2026