



CNR: KAHC010442482026

NC: 2026:KHC:36109
WP No. 19959 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 19959 OF 2026 (GM-CC)

BETWEEN:

MR KUNAL
S/O LATE SANDEEP M M
AGED ABOUT 18 YEARS
R/AT VAJAPEYI BADAVANE
HIREKOLALE, CHIKAMAGALUR

...PETITIONER

(BY SMT. RAJINI K M, ADVOCATE FOR
SRI. SRINATHA G B., ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP. BY THE CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR B R AMBEDKAR VEEDHI
BANGALORE-560001.
2. THE PRINCIPAL
MORARJI DESAI RESIDENTIAL SCHOOL
FOR MINORITIES
TEGURU, CHIKAMAGALURU TALUK
AND DISTRICT-577133.
3. HEAD MASTER
VASAVI VIDYALAYA HIGHER PRIMARY SCHOOL
VASAVI EDUCATION TRUST
MALLANDUR ROAD
CHIKAMAGALUR-577130

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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4. BLOCK EDUCATION OFFICER
BELUR ROAD
CHIKAMAGALURU-577101.
5. DEPUTY DIRECTOR OF PUBLIC INSTRUCTIONS
OFFICE OF DDPI, BEHIND ZILLA PANCHAYATH
CHIKAMAGALUR-577102.
6. THE TAHASILDAR
CHIKKAMAGALURU-577101

...RESPONDENTS

(BY SRI.MOHAMMED JAFAR SHAH, AGA FOR R1, R4, R5 & R6

SRI SIDDARTH BABU RAO, ADV. FOR R2 & R3)

THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT, ORDER, OR DIRECTION, DIRECTING THE RESPONDENTS TO CONSIDER AND EFFECT CORRECTION OF THE CASTE OF THE PETITIONER, MASTER KUNAL, FROM VOKKALIGA GOWDA TO KUMBARA SHETTY IN ALL OFFICIAL RECORDS, INCLUDING SCHOOL AND REVENUE RECORDS, BASED ON HIS UPBRINGING AND SOCIAL IDENTITY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned AGA accepts notice for respondent Nos.1, 4, 5 and 6.
2. Sri Siddarth Babu Rao, learned counsel is directed to accept notice for respondent Nos.2 and 3.



3. Petitioner is before this Court seeking for the following relief/s:

"a) Issue a writ in the nature of mandamus or any other appropriate writ, order, or direction, directing the Respondents to consider and effect correction of the caste of the Petitioner, Master Kunal, from "Vokkaliga Gowda" to "Kumbara Shetty" in all official records, including school and revenue records, based on his upbringing and social identity;

b) Direct the Respondents No. 1 to 5 authorities to issue a caste certificate in favour of the Petitioner showing his caste as "Kumbara Shetty";

c) Declare that the caste of the Petitioner born out of an inter-caste marriage is to be determined based on upbringing, social environment, and community acceptance, and not merely on the basis of the father's caste;

d) Pass such other order or orders as this Hon'ble Court deems fit in the interest of justice and equity."

4. The petitioner's mother got married to the petitioner's father on 04.07.2006. The said marriage being a inter-caste love marriage. The petitioner was born on 09.08.2007. Unfortunately, the petitioner's parents separated, since their respective families did not accept the inter-caste marriage. The petitioner was admitted to Vasavi Vidyalaya Higher Primary School. His caste was recorded on the basis of the caste of his father as



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Vokkaliga Gowda. The father unfortunately expired on 10.09.2012 when the petitioner was 5 years old. Thereafter, the petitioner has been brought up by the mother who belongs to the Kumbara Shetty Community single handedly as per the customs and traditions of the Kumbara Shetty community. It is on that basis that the petitioner intends to change the caste on all the official documents from Vokkaliga Gowda to Kumbara Shetty community since it is as per the customs and traditions of the said caste that the petitioner has been brought up. It is in that background that the petitioner is before this Court seeking for the aforesaid reliefs.

5. Learned counsel for the petitioner relies upon the decision of the Hon'ble Apex Court in the case of '**RAMESHBHAI DABHAI NAIKA** vs. **STATE OF GUJARAT AND OTHERS**¹' more particularly para-43 thereof which is reproduced hereunder for easy reference:

¹ Civil Appeal No.654/2012



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"43. In view of the analysis of the earlier decisions and the discussion made above, the legal position that seems to emerge is that in an inter-caste marriage or a marriage between a tribal and a non-tribal the determination of the caste of the offspring is essentially a question of fact to be decided on the basis of the facts adduced in each case. The determination of caste of a person born of an inter-caste marriage or a marriage between a tribal and a non-tribal cannot be determined in complete disregard of attending facts of the case. In an intercaste marriage or a marriage between a tribal and a non-tribal there may be a presumption that the child has the caste of the father. This presumption may be stronger in the case where in the inter-caste marriage or a marriage between a tribal and a non-tribal the husband belongs to a forward caste. But by no means the presumption is conclusive or irrebuttable and it is open to the child of such marriage to lead evidence to show that he/she was brought up by the mother who belonged to the scheduled caste/scheduled tribe. By virtue of being the son of a forward caste father he did not have any advantageous start in life but on the contrary suffered the deprivations, indignities, humiliations and handicaps like any other member of the community to which his/her mother belonged. Additionally, that he was always treated a member of the community to which her mother belonged not only by that community but by people outside the community as well."

6. Though, the discussion in the said decision was as regards a marriage between a forward caste with a Scheduled Caste person, the reasoning of the Hon'ble Apex Court is clear that it is open to the child of such marriage to lead evidence to show that he or she was brought up by the mother who belonged to the Scheduled Caste and Scheduled Tribe by virtue of which the Caste



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Certificate would have to be issued indicating that the child belonged to the Scheduled Castes and Scheduled Tribe category.

7. In the present case, the facts are clear inasmuch as the father belonged to the Vokkaliga Gowda community, the mother belonged to Kumbara Shetty community. The marriage being an inter-caste love marriage was not accepted by the families and hence, the father and mother separated. The father expired on 10.09.2012. Thereafter, the petitioner has been brought up by the mother single-handedly without any support from the father's family. Mother, belonging to Kumbara Shetty family, in the considered opinion of this Court, it would not be necessary for a detailed inquiry or evidence to be led. The fact that the mother has single-handedly brought up the petitioner would be sufficient to comply with the directions and or the dicta laid down by the Hon'ble Apex Court in **RAMESHBHAI DABHAI NAIKA's** case (supra).



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8. In that view of the matter, this Court passes the following order.

- a) Writ petition is *allowed*.
- b) A mandamus is issued directing the respondents to consider the application filed by the petitioner for correction of the caste of the petitioner from Vokkaliga Gowda community to Kumbara Shetty community in all official records, which shall be so carried out within a period of thirty (30) days from the date of receipt of copy of this order.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE