

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P. CHALY

WEDNESDAY, THE 5TH DAY OF AUGUST 2015/14TH SRAVANA, 1937

RP.No. 507 of 2015 () IN WA.284/2012

AGAINST THE JUDGMENT IN WA 284/2012 of HIGH COURT OF KERALA
DATED 22-02-2012

REVIEW PETITIONER(S)/RESPONDENTS NO.2 AND 3:

1. THE COMMANDANT,
CENTRAL INDUSTRIAL SECURITY FORCE UNIT
SATHISH DHAWAN SPACE CENTRE, SHAR, SHRIHARIKOTTA
NELLOOR DISTRICT, ANDHRA PRADESH, 524 142.
2. THE DEPUTY INSPECTOR GENERAL
CENTRAL INDUSTRIAL SECURITY FORCE
REGIONAL TRAINING CENTRE, BARWAHA
DARIYAMAHAL (POST OFFICE), KHARGONE DISTRICT
MADHYA PRADESH - 451 115.

BY ADV. SRI.K.M.JAMALUDHEEN, SENIOR PANEL COUNSEL

RESPONDENT(S)/APPELLANTS AND RESPONDENT NO.1:

1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT
SCHEDULED CASTE & SCHEDULED TRIBE DEVELOPMENT DEPARTMENT
SECRETARIAT, TRIVANDRUM 695023
2. SCRUTINY COMMITTEE FOR VERIFICATION OF COMMUNITY
CERTIFICATES REPRESENTED BY ITS CHAIRMAN
SCHEDULED CASE AND SCHEDULED TRIBE DEVELOPMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM.695023
3. THE VIGILANCE CELL OF KIRTADS
REPRESENTED BY ITS VIGILANCE OFFICER
DIRECTORATE OF KIRTADS, KOZHIKODE 670017
4. PRAVEENDRANATH
POOKUTH HOUSE, PERIMBADARI, P.O.MANNARKAD
PALAKKAD DISTRICT
NOW WORKING AS HEAD CONSTABLE/ DRIVER
CENTRAL INDUSTRIAL SECURITY FORCE
REGIONAL TRAINING CENTRE, BARWAHA
DARIYAMAHAL (POST OFFICE), KHARGONE DISTRICT
MADHYA PRADESH 451115

R BY SR GOVERNMENT PLEADER SRI.C.K.JAYAKUMAR
R4 BY SMT.S.KARTHIKA

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 05-08-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P. CHALY, JJ.

R.P.No.507 of 2015
in W.A.No.284 of 2012

Dated this the 5th day of August, 2015

O R D E R

Antony Dominic, J.

1.This review petition is filed by respondents 2 and 3 in the writ appeal. The appeal was filed by respondents 1 to 3 herein, in which, the petitioners herein are respondents 2 and 3. The challenge in the writ appeal was against the judgment in W.P(C). 12140/11, filed by the 4th respondent herein. In the writ petition, he challenged Ext.P6 report of KIRTADS, Ext.P11 proceedings of the scrutiny committee and Ext.P14 consequential Government Order. By judgment dated 9.11.2011, the writ petition was disposed of. Though the learned single Judge upheld Exts.P6, P11 and P14, giving the benefit of the judgment of this Court in Madhavan P. v. State of Kerala [2010 (2) KHC 739], the writ petition was allowed enabling the 4th respondent herein to continue in service till his retirement on attaining the age of superannuation. It was also made clear that neither the 4th respondent nor anybody in his family

would be entitled to be treated as Scheduled Caste after the amendment of the list in the year 2007. This judgment was confirmed by the Division Bench by dismissing the writ appeal. The judgment in the writ appeal is sought to be reviewed in this petition.

2. We heard learned counsel for the petitioners, learned Government Pleader appearing for respondents 1 to 3 and the learned counsel appearing for the 4th respondent.

3. The ground pressed for review of the judgment in the writ appeal is that the judgment was rendered without the knowledge of the petitioners and without hearing them. This contention was reiterated before us and was disputed by the learned counsel appearing for the 4th respondent. According to us, this contention cannot be accepted for more than one reason. The judges papers of W.A.284/12 available along with the review petition shows that a copy of the writ appeal was served on Sri.P.Parameswaran Nair, former Assistant Solicitor General of India, on 21.2.2012. The certified copy of the judgment also shows that

Sri.P.Parameswaran Nair appeared for the petitioners when the appeal was heard. It was after hearing the counsel on both sides that the writ appeal was disposed of by judgment dated 22.2.2012 and the fact that the counsel for both sides were heard is recorded in the first and second sentences of the judgment itself. These facts, therefore, show that the contention of the counsel for the petitioners that the judgment was rendered in the writ appeal without hearing them and without their knowledge cannot be accepted. Therefore, we do not find any error in the judgment to entertain this review petition.

Review petition fails and is accordingly dismissed.

Sd/-
ANTONY DOMINIC, Judge.

Sd/-
SHAJI P. CHALY, Judge.

kkb.

/True copy/

PS to Judge