

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN

&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WA.No. 915 of 2015 () IN WP(C).2106/2015

AGAINST THE JUDGMENT IN WP(C) 2106/2015 DATED 20-02-2015

APPELLANTS/SPECIAL PETITIONERS :-

1. VAIKUNDA SWAMI DHARMA PRACHARANA SABHA (VSDP)
REG NO.1/2007, VSDP SAMSTHANA KARYALAYAM
VAIKUNDABHAVAN, THYCAUD P.O., THIRUVANANTHAPURAM-14
REPRESENTED BY ITS CHAIRMAN,
VISHNUPURAM CHANDRASEKHARAN.
2. BACKWARD NADAR CHRISTIAN FEDERATION TRUST,
BETHEL LUTHERAN CHURCH HOUSE, VAZHUTHOOR
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN:695 121
REPRESENTED BY ITS PRESIDIENT REV.L.T.PAVITHRA SINGH.
3. VISHNUPURAM CHANDRASEKHARAN, AGED 49 YEARS
S/O RAJAYYAN NADAR, INDRAPRASTHAM, VISHNUPURAM
NEYYATTINKARA, THIRUVANANTHAPURAM, PIN:695121.

BY ADVS.SRI.P.G.PRAMOD
SRI.N.KRISHNA PRASAD

RESPONDENTS/PETITIONER AND RESPONDENTS IN THE WRIT PETITION :-

1. AKHILENDIA NADAR ASSOCIATION (ANA)
(PREVIOUS NAME :HINDU NADAR COPORATION,
REGISTRATION NO.214/1987
REPRESENTED BY ITS GENERAL SECRETARY, K.VASUDEVAN
CENTRAL OFFICE, LEKSHMI ILLAM, TC.40/294(1)
2ND PUTTEN STREET, THIRUVANANTHAPURAM-695 009
2. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT
THIRUVANANTHAPURAM-695001.

3. STATE OF KERALA

REPRESENTED BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
BACKWARD COMMUNITY DEVELOPMENT DEPARTMENT
SECRETARIAT, THIRUVANANTHAPURAM-695001.

ADDL.4.SOUTH INDIA UNITED CHURCH NADAR (SIUC NADAR) ,
REPRESENTED BY ITS PRESIDENT, RT.REV.A DHARMARAJ RASALAM,
BISHOP CSI, SOUTH KERALA DIOCESE, LMS COMPOUND,
PALAYAM, THIRUVANANTHAPURAM.

ADDITIONAL 4TH RESPONDENT IS IMPEADED AS PER ORDER
DATED 18.6.2015 IN I.A.No.659/2015.

ADDL.5.THE AYYA VAIKUNDASWAMY MISSION REG.No.T 8/2010.
PRAVACHAMBALAM, THIRUVANANTHAPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY APPU N., AGED 58 YEARS,
S/O.NARAYANAN NADAR, RESIDING AT ANU NIVAS,
NEAR R C CHURCH, MANGALATHKONAM,
KATTACHALKUZHI P.O., THIRUVANANTHAPURAM - 695 509.

ADDL.6.S.SUDHI, AGED 53 YEARS, S/O.SREEDHARAN, JOINT SECRETARY,
THE AYYA VAIKUNDASWAMY MISSION REG.No.T 8/2010,
PRAVACHAMBALAM, THIRUVANANTHAPURAM DISTRICT,
RESIDING AT RAGAM NIVAS, PUTHENKANAM,
KATTACHALKUZH P.O., THIRUVANANTHAPURAM DISTRICT-695 509.

ADDL.RESPONDENTS 5 AND 6 ARE IMPEADED AS PER ORDER
DATED 18.6.2015 IN I.A.No.672/2015.

R1 BY ADV. SRI.G.S.REGHUNATH

ADDL.R4 BY ADV. SRI.P.C.SASIDHARAN

SRI.ARAVINDA KUMAR BABU T.K.

ADDL.R5 & R6 BY ADV. SRI.S.M.PRASANTH

SRI.C.DINESH

SRI.G.RENJITH

SMT.AMMU CHARLES

JINNU SARA GEORGE

R2 & R3 BY SPL.GOVERNMENT PLEADER SMT.P.K.SANTHAMMA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-06-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

WA.NO.915 OF 2015

APPENDIX

APPELLANTS' EXHIBITS :-

ANNEXURE A1 :- TRUE COPY OF THE PROCEEDINGS OF THE NATIONAL COMMISSION FOR BACKWARD CLASSES DATED 28.5.1999.

ANNEXURE A2 :- TRUE COPY OF THE CONSEQUENT PROCEEDINGS DATED 4.4.2000 IMPLEMENTING THE FINDINGS IN ANNEXURE A1.

RESPONDENT'S EXHIBITS :- NIL.

//TRUE COPY//

P.A. TO JUDGE

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. No.915 of 2015

Dated this the 18th day of June 2015

J U D G M E N T

Ashok Bhushan, CJ

The appellants are the third parties in the writ petition, who had filed the appeal after seeking special leave of court. They challenge the judgment dated 20.2.2015 in W.P.(C) No.2106 of 2015.

2. Learned counsel for the appellants submits that the issue is now referred to One Man Commission by the State Government. It is submitted that certain observations made by the learned Single Judge prejudiced their rights. The appellants claim that the learned Single Judge has directed to treat the Hindu Nadar and SIUC Nadar as different category.

3. We have heard the learned counsel appearing for the parties and perused the judgment.

4. In the judgment dated 20.2.2015, the learned Single Judge has neither issued any direction to the Commission nor made any observation as contended by the learned counsel for the appellants. The learned Single Judge has observed that it is open

for the Commission to consider the relevant aspects with regard to the members of the Hindu Nadar Community.

5. Learned counsel appearing for the impleaded respondents submits that the issue is already covered by the judgment of the Apex Court in **President, SIUC v. State of Kerala and others** [(2006) 9 SCC 354].

6. Be that as it may, since the learned Single Judge has not issued any direction, we are of the view that, as observed by the learned Single Judge in the judgment dated 20.2.2015, the matter be considered by the Commission and to proceed with further steps. No interference is called for in the said judgment. All parties are free to canvass their case before the Commission subject to decision, which have already been settled by the judgment of this Court and the Apex Court.

With these observations, this writ appeal is dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE