

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 13TH DAY OF FEBRUARY 2015/24TH MAGHA, 1936

WP(C) . No. 4292 of 2012 (J)

PETITIONER(S) :

ARUN K.PAVITHRAN, S/O.RAJINA P., AGED 17 YEARS (MINOR)
PAZHAMKAVIL HOUSE, KARUVANCHAL P.O., VELLAD AMSOM,
KANNUR DISTRICT

REP. BY MOTHER AND GUARDIAN RAJINA P.,
D/O.RAGHAVAN P., AGED 41 YEARS, PAZHAMKAVIL HOUSE,
KARUVANCHAL P.O., VELLAD AMSOM, KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH

RESPONDENT(S) :

1. TAHSILDAR, TALIPARAMBA
TALIPARAMBA P.O., KANNUR DISTRICT - 670141.
2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF SOCIAL WELFARE, SECRETARIAT,
THIRUVANANTHAPURAM-1.

R1 BY SPECIAL GOVERNMENT PLEADER (SC/ST) SMT. P. K. SANTHAMMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXT.P1 TRUE COPY OF THE MEMBERSHIP RECEIPT ISSUED TO THE PETITIONER DATED 9/2/2012.
- EXT.P2 TRUE COPY OF THE EXTRACT OF THE SCHOOL ADMISSION REGISTER OF THE PETITIONER.
- EXT.P3 TRUE COPY OF THE OLD RATION CARD ISSUED TO THE MATERNAL GRAND FATHER OF THE PETITIONER.
- EXT.P4 TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT DATED 8/6/2010.
- EXT.P5 TRUE COPY OF THE REPORT SUBMITTED BY THE VILLAGE OFFICER, VELLAD DATED 2/2/2012.
- EXT.P6 TRUE COPY OF THE ORDER DATED 13/2/2012 ISSUED BY 1ST RESPONDENT TO THE PETITIONER.
- EXT.P7 TRUE COPY OF THE G.O. (M.S.) NO.109/2008/SCSTDD DATED 20/11/2008.

RESPONDENTS' EXHIBITS:- NIL

KRJ

/True Copy/

P.A to Judge

A.V.RAMAKRISHNA PILLAI, J.

=====

W.P(C) No.4292 of 2012

=====

Dated this the 13th day of February, 2015

JUDGMENT

Ext.P6 order by which the first respondent had declined to issue community certificate to the petitioner is under challenge.

2. The petitioner is a plus two student aged 17 years at the time of filing of the writ petition. The petitioner alleges that he was born in a wedlock of intercaste marriage. According to him, his mother belonged to Hindu Vannan community and his father belonged to Thiyya community. He points out that Hindu Vannan community is a scheduled caste and he was born and brought up in his mother's house at Vallad amsom. The petitioner further alleges that he was following the customary rites of Hindu Vannan community.

3. During the academic year previous to the filing of the writ petition, the petitioner has approached the first respondent for issuing community certificate. The first respondent conducted an enquiry

and issued Ext.P4 certificate showing that the petitioner is belonging to Hindu Vannan community; it is alleged.

4. The petitioner points out that Ext.P4 is having only 6 months' validity and for the purpose of applying for entrance examination, the petitioner requires a community certificate. Therefore, his mother submitted an application on 28.1.2012 before the first respondent. The first respondent sent the matter to the village officer concerned and the village officer in his report dated 2.2.2012 stated that the petitioner is following the customs and lifestyle of his mother's community. However, the first respondent by Ext.P6 order declined to issue community certificate to the petitioner on the premise that the petitioner is not socially, financially and educationally backward. It is with this background, the petitioner has come up before this Court.

5. This Court by interim order dated 21.3.2012 directed the first respondent to issue a community certificate to the petitioner

certifying that the petitioner belonged to Hindu Vannan schedule caste community. It was made clear that the same shall be subject to the result of the writ petition. It was stated in the order that if ultimately the writ petition is dismissed, the petitioner would not be entitled to retain any of the benefits obtained by the petitioner on the strength of the community certificate so issued and the petitioner shall not plead any equity in the matter.

6. Today when the matter came up for hearing, it was submitted that the community certificate was issued and the petitioner joined the course. It was submitted by the learned Special Government Pleader that the status of the petitioner is yet to be decided.

7. On a specific query put by me during the course of argument, it was submitted by both sides that the petitioner is not yet approached the KIRTADS in the matter.

Therefore, the writ petition is disposed of permitting the petitioner to approach KIRTADS by filing a representation within a

period of one month from today. In the event of filing such representation within the above period, the KIRTADS shall consider the same after affording the petitioner an opportunity of being heard and final decision shall be taken within two months thereafter. It shall be open to the petitioner to produce a copy of the writ petition and copy of this judgment along with the application so submitted.

Sd/-

A.V.RAMAKRISHNA PILLAI
JUDGE

krj