

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

WP(C).No. 5263 of 2009 (C)

PETITIONER(S):

**SUJINA O., AGED 17 YEARS - (MINOR),
ONTHETH KADEKKACHALIL HOUSE, KUTTIADY P.O.,
VADAKARA (VIA), KOZHIKODE - 673 508,
REPRESENTED BY HER FATHER, GUARDIAN AND
BEST FRIEND P.K NACHIMUTHU @ MUTHURAJ.**

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF SCHEDULED TRIBES DEVELOPMENT,
KERALA GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR, KIRTADS,
DIRECTORATE OF KIRTADS, KOZHIKODE - 17.**
- 3. THE TAHSILDAR, TALUK OFFICE, VADAKARA.**
- 4. THE VILLAGE OFFICER, KUTTIADY,
KOZHIKODE DISTRICT.**
- 5. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
SANTHI NAGAR, THIRUVANANTHAPURAM - 01.**

BY SPL. GOVT. PLEADER SMT.LALY VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE CERTIFICATE DATED 29/06/2006 ISSUED BY THE
TAHSILDAR, VADAKARA.
- EXT.P2 COPY OF THE PETITIONER'S SSLC MARK CARD BEARING
NO.F.NO.070619.
- EXT.P3 COPY OF THE MARK LIST BEARING NO.HSE 293821.
- EXT.P4 COPY OF THE MARK LIST BEARING NO.HSE 247487.
- EXT.P5 COPY OF THE RELEVANT PAGES OF THE RATION CARD
BELONGING TO PETITIONER'S FAMILY.
- EXT.P6 CERTIFICATE ISSUED BY THE TAHSILDAR, PALANI.
- EXT.P7 COPY OF THE APPLICATION FOR ADMISSION TO
PROFESSIONAL DEGREE COURSES, KERALA 2008.
- EXT.P8 COPY OF THE LETTER DATED 24/07/2008 SENT BY THE
TAHSILDAR, VADAKARA TO THE DIRECTOR, KIRTADS.
- EXT.P9 COPY OF THE LETTER DATED 16/10/2008 SENT BY THE
DIRECTOR, KIRTADS TO THE TAHSILDAR, VADAKARA.
- EXT.P10 COPY OF THE APPLICATION FOR ADMISSION TO PROFESSIONAL
DEGREE COURSES, 2009, KERALA.
- EXT.P11 COPY OF THE LETTER NO.B3/650/09/CEE (37) DATED 01/06/2009
ISSUED BY THE 5TH RESPONDENT ALONG WITH ENCLOSURE.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J

W.P(C) No. 5263 of 2009

Dated this the 24th day of July, 2015

J U D G M E N T

The petitioner whose father, at a very young age migrated from Tamil Nadu; allegedly in 1976, seeks scheduled Caste status. The petitioner was born on 23.02.1991 in Kerala, where her father had taken up permanent residence. The petitioner's father is said to be belonging to Chakkiliya community of Tamil Nadu. The petitioner claims issuance of community certificate in the State of Kerala since Chakkiliya community is one included in the Scheduled Caste list for Kerala. The petitioner was also issued with caste certificate earlier.

2. At one point of time, when the issuance was sought, the matter was referred to Kerala Institute for Research, Training and Development Studies [for brevity "KIRTADS"]. KIRTADS held an enquiry and found against the caste status claimed by the petitioner as per Ext.P11 report. The petitioner has to now take up

the report before the appropriate authority (Scrutiny Committee or Government), as provided under the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 [for brevity "Act of 1996"]. Since the limitation can be condoned, and the petitioner was before this Court with a valid challenge to the action of declining issuance of caste certificate, the petitioner could even now approach the Scrutiny Committee under Section 8 of the Act of 1996 or to the Government under Section 13 of the Act.

In such circumstance, leaving open such remedy, the writ petition would stand closed. It is made clear that this Court has not made any observation on the merits of the case. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge