

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

WP(C).No. 3497 of 2015 (J)

PETITIONER:

**KEERTHY RAJ (MINOR),
DATE OF BIRTH 25.5.1997, D/O.RAJAN M.P,
MULAMPATH HOUSE, MEVALLOOR P.O.,
VAIKOM TALUK, KOTTAYAM DISTRICT - 686 609,
REPRESENTED BY THE NEXT FRIEND/FATHER M.P.RAJAN.**

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENT(S):

- 1. THE COMMISSIONER OF ENTRANCE EXAMINATIONS,
FIFTH FLOOR, HOUSING BOARD BUILDINGS,
SANTHI NAGAR, THIRUVANANTHAPURAM - 695 001.**
- 2. THE REVENUE DIVISIONAL OFFICER, PALA,
KOTTAYAM DISTRICT - 686 575.**
- 3. THE TAHASILDHAR, TALUK OFFICE, VAIKOM - 686 141.**

***ADDL. R4 AND R5 IMPLEADED**

- 4. KERALA INSTITUTE FOR RESEARCH,
TRAINING AND DEVELOPMENT STUDIES FOR SCHEDULED
CASTE AND SCHEDULED TRIBES (KIRTADS), CHEVAYUR,
KOZHIKODE - 673 017,
REPRESENTED BY ITS DIRECTOR (ANTHROPOLOGY)**
- 5. GOVERNMENT OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
SCHEDULED CASTE AND SCHEDULED TRIBES
DEVELOPMENT(G) DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**

**ADDL.R4 AND R5 ARE IMPLEADED AS PER ORDER
DATED 20.02.2015 IN IA 2617/15.**

BY GOVERNMENT PLEADER SRI.C.K.JAYAKUMAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF SSLC BOOK OF THE FATHER/M.P.RAJAN.
- P2- TRUE COPY OF SSLC BOOK OF THE MOTHER/SHAJIMOLE M.K.
- P3- TRUE COPY OF CASTE CERTIFICATE OF THE MOTHER/SHAJIMOLE M.K.
- P4- TRUE COPY OF MARRIAGE CERTIFICATE DATED 1.7.1995.
- P5- TRUE COPY OF SSLC BOOK OF PETITIONER BEARING NO.221730.
- P6- TRUE COPY OF COMMUNITY CERTIFICATE DATED 31.7.2013.
- P7- TRUE COPY OF COMMUNITY CERTIFICATE DATED 24.7.2014.
- P8- TRUE COPY OF ORDER NO.C3- 657/2015.62 DATED 24.1.2015.
- P9- TRUE COPY OF RATION CARD NO.1525026105.
- P10- TRUE COPY OF RATION CARD NO.1525026190.
- P11- TRUE COPY OF APPEAL DTD 27.1.2015 WITHOUT ANNEXURES.
- P12- TRUE COPY OF EXTRACT OF ADMISSION REGISTER 30/1/2015.
- P13- TRUE COPY OF EXTRACT OF ADMISSION REGISTER DTD 30.1.2015.
- P14- TRUE COPY OF ORDER NO.M2-391/15 DATED 2.2.2015.
- P15- TRUE CPY OF AFFIDAVIT DATED 3.2.2015.
- P16- TRUE COPY OF REVISION PETITION WITHOUT ANNEXURES DATED 16.2.2015.

RESPONDENT(S)' EXHIBITS: - NIL

/TRUE COPY/

P.A. TO JUDGE

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P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 3497 of 2015

Dated this the 25th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"1. To issue a writ of certiorari or any other appropriate writs, directions or orders calling for the records leading up to Ext.P8 and P14 and quash the same.

2. To issue a writ of Mandamus or any other appropriate writs, directions or orders directing the 2nd and 3rd respondents to issue community certificate to the petitioner showing the community of the petitioner as Hindu-Mala Arayan.

3. To issue a writ of Mandamus or any other appropriate writs, directions or orders directing 1st respondent to accept the application bearing Register No.1170219 of the petitioner for medical entrance examination 2015, by granting time to produce the community certificate of the petitioner and the decision of the community and consequent reservation for admission of the petitioner, may be finalized only on production of the community certificate by the petitioner.

4. To declare that the community of the petitioner is the scheduled tribe community of Hindu- Mala Arayan and the petitioner is entitled for all consequential benefits, reservation and privileges of the community.

5. To grant such other relief's which are deem just and proper in the nature of this case."

2. The learned counsel for the petitioner submits that the petitioner will be satisfied if a direction is given to the additional 4th respondent to complete the enquiry with regard to the caste status of

the petitioner and submit a report before the 3rd respondent so as to enable the said respondent to consider the claim of the petitioner for issuance of necessary certificate.

3. Heard the learned Government Pleader as well.

4. Considering the limited nature of relief sought for, this Court does not find it necessary to deal with the merits of the case. The writ petition is disposed of, directing the additional 4th respondent to complete the enquiry as aforesaid with 'two months' and to furnish report to the 3rd respondent. It will be open for the petitioner to pursue the matter based on the report made available by the additional 4th respondent. All issues are left open. The application stated as pending consideration before the PSC shall not be rejected for the time being. The petitioner shall be given an opportunity to cure the defects, if any, with regard to the 'Caste status' before commencement of the examination scheduled to be held in May, 2015.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

**P.R. RAMACHANDRA MENON,
JUDGE.**