

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

WP(C).No. 6070 of 2015 (G)

PETITIONER(S):

**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.**

**BY ADVS.SRI.P.C.SASIDHARAN,
SRI.ARAVINDA KUMAR BABU T.K.**

RESPONDENT(S):

**STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
BACKWARD CLASSES DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**

BY GOVT. PLEADER SRI.K.C. VINCENT.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT. P1 : TRUE COPY OF THE JUDGMENT IN CIVIL APPEAL NO.3361/2002 OF THE HON'BLE SUPREME COURT OF INDIA.
- EXT. P2 : TRUE COPY OF THE ORDER G.O.(MS) 104/2009 DATED 21-11-2009.
- EXT. P3 : TRUE COPY OF THE AMENDMENT MADE TO THE KS & SSR.
- EXT. P4 : TRUE COPY OF THE ORDER GO(MS) NO.3/2013 DATED 04-05-2013 APPOINTING JUSTICE MR.M.R.HARIHARAN NAIR (RTD) AS ONE MEMBER COMMISSION.
- EXT. P5 : TRUE COPY OF THE ORDER GO(MS) NO.13/2013 DATED 29-10-2013.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 6070 of 2015

Dated this the 26th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i. Call for the entire records leading issuance of Ext.P4 and P5 and to issue a writ of certiorari, other writ, order or direction quashing Ext.p4 and P5;

ii. Declare that the Government have no power or jurisdiction to appoint one Member Commission to enquire into the issues mentioned in Ext.P4 especially Issues 1 and 5 grouping all the Nadar community putting together and clubbing of SIUC Nadar with any other class or group of Nadars, on the face of it is illegal.

iii. Declare that the issue with reference to the manner, method and extent of reservation to be provided for Backward Class Community is exclusively with the domain of the Kerala State Backward Classes Commission constituted under the Kerala State Backward Class Commission Act and the Government cannot issue any executive orders constituting yet another one Member Commission to enquire into it,

and

iv. To issue such other writ, order or direction as this Honourable Court may deem fit and proper in the facts and circumstances of the case."

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader as well.

3. It is brought to the notice of this Court by the learned Special Government Pleader that, similar nature of grievance as projected in this writ petition has already been considered by this Court in a case filed by the 'Akilendia Nadar Association' and a verdict has been passed on 20.2.2015 in W.P.(C). No. 2106 of 2015.

In the said circumstance, the above verdict passed by this Court will govern the issue in this case as well. The writ petition is disposed of accordingly.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-