

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 18TH DAY OF MARCH 2015/27TH PHALGUNA, 1936

WP(C).No. 8647 of 2015 (S)

PETITIONER(S) :

P.M. VELAYUDHAN, AGED 62 YEARS,
S/O. VELLAKELI, PENATTU PADAM,
SOUTH VAZHAKULAM P.O., ALUVA, ERNAKULAM DISTRICT
PIN - 683 105
PRESENTLY SERVING AS STATE VICE PRESIDENCE OF THE
BHARATIYA JANATA PARTY (B.J.P.)

BY ADVS.SRI.V.SETHUNATH
SRI.V.R.MANORANJAN (MUVATTUPUZHA)

RESPONDENT(S) :

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1. THE STATE OF KERALA, REPRESENTED BY THE
PRINCIPAL SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - PIN - 695 001
 2. THE PRINCIPAL SECRERATY, SCHEDULED CASTE
& SCHEDULED TRIBE DEVELOPMENT DEPARTMENT,
GOVT. OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM PIN - 695 001
 3. THE SCREENING COMMITTEE FOR VERIFICATION
OF COMMUNITY CERTIFICATES FOR SC& ST,
REPRESENTED BY ITS CHAIRPERSON & EX-OFFICIO
SECRETARY TO SCHEDULED CASTE& SCHEDULE TRIBE
DEVELOPMENT DEPARTMENT, GOVT. OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM -
695 001
 4. KERALA INSTITUTE FOR RESEARCH, TRAINING AND
DEVELOPMENT STUDIES OF SCHEDULED CASTES
AND SCHEDULED TRIBES (KIRTADS), REPRESENTED
BY ITS DIRECTOR, CHEVAYOR,
KOZHIKODE PIN - 673 017
 5. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY-IN-CHARGE ,
PATTOM, THIRUVANANTHAPURAM, PIN - 695 001

6. SAJU GEORGE, AGED 43 YEARS, S/O. P.D. GEORGE, PRESENTLY WORKING AS CONTROLLER OF EXAMINATIONS, THE KERALA PUBLIC SERVICE COMMISSION, PATTOM, THIRUVANANTHAPURAM PIN - 695 001
7. THE CENTRAL BUREAU OF INVESTIGATION, (CBI), THIRUVANANTHAPURAM UNIT, REPRESENTED BY THE SUPERINTENDENT OF CBI, THIRUVANANTHAPURAM
8. THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM PIN - 695 001
9. THE TAHSILDAR, THIRUVANANTHAPURAM - 695 001
10. THE DIRECTOR, TRIBAL WELFARE BOARD, THIRUVANANTHAPURAM PIN : 695 001
11. THE UNION OF INDIA, REPRESENTED BY THE SECRETETARY TO MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT, SHASTRI BHAVAN, NEW DELHI PIN - 110001

BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
SR. GOVERNMENT PLEADER SRI.P.I. DAVIS
BY SRI.P.C.SASIDHARAN, SC, KPSC
BY SRI.P.CHANDRASEKHARA PILLAI, C.B.I.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 18-03-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P.C. NO. 8647 OF 2015 - s

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE PHOTO COPY OF THE SSLC BOOK OF THE 6TH RESPONDENT AS AVAILABLE IN THE GOVT. MODEL HIGH SCHOOL, THIRUVANANTHAPURAM

EXT.P2: TRUE COPY OF THE CASTE/COMMUNITY CERTIFICATE PRODUCED BY THE 6TH RESPONDENT BEFORE THE 5TH RESPONDENT

EXT.P3: TRUE COPY OF THE KERALA GOVT. ORDER G.O. MS NO. 63/79 DATED 15-4-1979

EXT.P4: TRUE COPY OF THE KERALA GOVT. ORDER - GO (MS) 57/84/HWD DATED 4-8-1984

EXT.P5: TRUE COPY OF THE CIRCULAR NO. 5/1996 DATED 5-6-1996 ISSUED BY THE 5TH RESPONDENT PSC

EXT. P6: TRUE COPY OF THE G.O. (P) NO. 18/2002/SC/STDD DATED 20-4-2002 ISSUED BY THE GOVT. OF KERALA

EXT. P7: TRUE COPY OF THE KERALA GOVT. ORDER G.O. (RT) NO. 607/03/SCSTDD DATED ISSUED BY THE GOVT. OF KERALA

EXT.P8: TRUE COPY OF THE LETTER ISSUED BY THE SECRETARY TO UNION OF INDIA MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT TO THE CHIEF SECRETARY OF KERALA DATED 30-10-2003

EXT.P9: TRUE COPY OF THE AMENDED ACT 32 OF 2008

ASHOK BHUSHAN , Ag. CJ,
&
A.M.SHAFFIQUE, J.

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W.P. (C) No. 8647 of 2015
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Dated this the 18th day of March, 2015

JUDGMENT

A.M. Shaffique, J.

Petitioner has approached this Court seeking the following reliefs:

“1. Issue a writ of mandamus or any appropriate writ, order or direction to the 7th respondent to conduct a Preliminary Enquiry as stated in Paragraph 9.7 – Chapter VI of the CBI Manual with regard to the 1800 bogus caste/Community certificates issued to non SC & ST candidates and who had secured employment under the Govt. of Kerala in various departments and posts.

2. Issue a writ of mandamus or any appropriate writ, order or direction to the 3rd respondent to verify Ext. P1

and P2 and be proceeded under Sec. 8 A of the Kerala (Scheduled Caste & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 as amended by Act 32 of 2008.

3. Issue a writ of certiorari or any appropriate writ, order or direction to the respondents 6 & 9 to quash Ext. P2 Caste/Community certificate as it is not issued in tune with Ext. P3 and P4 Government orders.

4. Issue a writ of certiorari or any appropriate writ, order or direction to the 5th respondent to quash Ext. P5 Circular as it is issued in violation of Exts. P3 and P4 Government Orders.

5. Issue a Writ of Quo Warranto against the 6th respondent as he secured the employment under the 5th respondent base don a bogus Caste /Community Certificate”

6. Grant such other relief as this Hon'ble Court deems fit and proper to grant in the facts and circumstances of the case”.

2. The Writ Petition is filed in the form of a Public Interest

Litigation. Perusal of the averments in the Writ Petition and after hearing the learned counsel for the petitioner, we do not think that this petition can be entertained as a public interest litigation. As far as the issuance of bogus Caste Certificates/Community Certificates are concerned, the procedure for verification of such certificates are clearly provided under the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 (11 of 1996) and the Rules framed thereunder. When appropriate procedures have already been made by the Government, under a Statute, it is not necessary for this Court to direct the CBI to conduct an investigation in the matter. Appropriate statutory authorities have been constituted under the provisions of the Act to verify the genuineness of the certificates issued by the competent authority and under such circumstances, we do not think that the relief sought for can be granted.

2. Further, the petitioner seeks to quash Ext. P2 Community Certificate and also seeks to issue a writ of quo warranto against the 6th respondent.

3. It is an undisputed fact that service matters cannot be entertained by this Court in the form of a Public Interest Litigation. In the judgment dated 23-1-2015 in W.P.C. No. 2423 of 2015, we have already held that issues relating to such

matters cannot form the basis of public interest litigation and service matters cannot be adjudicated by this Court by way of Public Interest Litigation. We have also referred to the judgment of the Supreme Court in *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra* - (2013) 4 SCC 465, which clearly indicates that the service matters cannot be adjudicated in a public interest litigation.

Under such circumstances, we do not think that the petitioner is entitled to ventilate his grievances in the form of a public interest litigation. Accordingly, this Writ Petition is dismissed.

Sd/- ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/- A.M.SHAFIQUE,
JUDGE

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/truecopy/

P.S.toJudge