

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 19592 of 2006 (G)

PETITIONER:

SUNIL P.K.
S/O.KOSTHENTHY,
SEEMA SADANAM, PERAYAM, MULAVANA
KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :

1. THE TAHSILDAR,
TALUK OFFICE, KOLLAM.

2. THE SECRETARY, KERALA PUBLIC SERVICE
COMMISSION, PATTAM PALACE JUNCTION
THIRUVANANTHAPURAM.

3. THE DISTRICT OFFICER, KERALA PUBLIC
SERVICE COMMISSION, DISTRICT OFFICE, PATHANAMTHITTA.

R2 BY ADV. SRI.P.C.SASIDHARAN
R BY GOVERNMENT PLEADER SMT.LILLY LESLIE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 19592 of 2006 (G)

A P P E N D I X

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE FIRST PAGE OF SSLC BOOK OF THE PETITIONER.

EXT.P2: TRUE COPY OF THE COMMUNICATION NO.PTA.6(1)437/2005 DATED 15.7.2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE CERTIFICATE DT.24.7.2006 ISSUED BY THE PARISH PRIEST.

EXT.P4: TRUE COPY OF THE RELEVANT PAGES OF THE NOTIFICATION DT.12.6.2000.

EXT.P5: TRUE COPY OF THE INTERIM ORDER ISSUED IN W.P(C) NO.8327/06 DT.21.3.2006.

RESPONDENTS' EXHIBITS

NIL.

/true copy/

P.S to Judge

P.V.ASHA, J.

W.P(c) No.19592 of 2006-G

Dated this the 12th day of October, 2015

JUDGMENT

The Writ Petition was filed praying for a direction to the respondent Tahsildar to issue a Creamy Layer Certificate to the petitioner, claiming that he belongs to Christian (Parava Convert Christian). This Court had passed an interim order on 26.07.2006, directing the 1st respondent to issue a community certificate to the petitioner provisionally, showing his community as Christian (Parava) and the question whether he comes or does not come within the parameters of 'Creamy Layer', will be subject to the final orders in the Writ Petition. It was also made clear that the petitioner will lose all the benefits obtained by him in case the Writ Petition is decided against him.

2. The learned counsel on either side expressed their inability to get any instructions as to the present position. Therefore the Writ Petition is disposed of with the following directions:

(i) In case the petitioner was eligible for issuance of non creamy layer certificate in accordance with the income at

the relevant time, the petitioner shall be granted the benefits available to OX community;

(ii) In case the petitioner was advised and appointed on the basis of the Non Creamy Layer Certificate issued on the basis of the interim order, and in case he was actually eligible for such a Non Creamy Layer Certificate at the relevant time, the petitioner will be entitled to all the benefits.

rtr/

Sd/-
(P.V.ASHA, JUDGE)

/true copy/

P.S to Judge