

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).NO. 13679 OF 2008 (C)

PETITIONER(S):

**SREEJA KILIMANGODE,
D/O.CHERAN SREEDHARAN, KARUVALLY HOUSE
POST THILLANKERI, KANNUR DISTRICT.**

BY ADV. SRI.P.V.SURENDRANATH

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO SCHEDULED CASTE/SCHEDULED TRIBE
DEVELOPMENT DEPARTMENT, GOVT. SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. KERALA PUBLIC SERVICE COMMISSION,
THIRUVANANTHAPURAM.**
- 3. DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, DISTRICT OFFICE
KANNUR.**
- 4. TAHSILDAR,
THALASSERY TALUK, THALASSERY, KANNUR DISTRICT.**
- 5. DIRECTOR,
KIRTHADS, (KERALA INSTITUTE FOR RESEARCH
TRAINING & DEVELOPMENT STUDIES OF SCHEDULED
CASTE & SCHEDULED TRIBES).**

**R2 & R3 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
R1 BY SPL. GOVERNMENT PLEADER SANTHAMMA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS:

- EXT.P1:- COPY OF THE COMMUNICATION CALLING FOR THE PETITIONER FOR INTERVIEW ON 23.4.2008.
- EXT.P2:- COPY OF THE RELEVANT PAGE OF SSLC BOOK OF THE PETITIONER SHOWING THE PETITIONER'S CASTE AS ADIYAN, SCHEDULED TRIBE.
- EXT.P3:- COPY OF COMMUNITY CERTIFICATE ISSUED BY THE TAHSILDAR, THALSSERY ON 21.10.2004.
- EXT.P4:- COPY OF THE ABSTRACT FROM THE ADMISSION REGISTER OF SIVAPURAM HIGH SCHOOL, SIVAPURAM SHOWING COMMUNITY OF THE PETITIONER'S FATHER AS ADIYAN DATED 28.03.1973.
- EXT.P5:- COPY OF CERTIFICATES ISSUED BY THE TAHSILDAR TALIPARAMBARA DATED 6.2.2008.
- EXT.P6:- COPY OF THE COMMUNICATIOIN DATED 5.8.2008 RECEIVED BY THE PETITIONER ON 8.8.2008.
- EXT.P7:- COPY OF THE CASTE CERTIFICATE ISSUED BY THE R-4 TO ONE ANOOP P. ON 18.6.2008.

RESPONDENTS' EXHIBITS:

- EXT.R1(a): COPY OF THE REPORT OF THE VIGILANCE CELL AND THE CONCERNED DOCUMENTS.

//TRUE COPY//

P.A. TO JUDGE

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K. VINOD CHANDRAN, J.
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W.P.(C) No.13679 of 2008 - C
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Dated this the 8th day of July, 2015

J U D G M E N T

The petitioner claims to be a member of Scheduled Tribe by name Hindu-Adiyan. The petitioner relies on Ext.P2 Secondary School Leaving Certificate, Ext.P3 the Community Certificate issued by the Tahsildar Thalassery Ext.P4 Admission Register as also Ext.P5 Community Certificate issued by the Tahsildar Taliparambara all showing the petitioner to be a member of the Hindu-Adiyan community.

2. The petitioner applied in pursuance to a notification issued by the Kerala Public Service Commission as per Ext.P1, in which she was called for an interview. The 3rd respondent directed production of a fresh Community

Certificate, which she was unable to obtain. The 4th respondent is said to have declined grant of such a Certificate. The Tahsildar, Thalassery in fact had filed an application before the Director, Kerala Institute for Research, Training and Development Studies (KIRTADS), Kozhikode on 15.04.2008 under Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996. The said communication is available in Ext.R1(a-39). Based on this, the KIRTADS had said to have conducted an enquiry and the Anthropological report dated 06.10.2009 was prepared declining the claim of Scheduled Tribe raised by the petitioner.

3. The petitioner's contention is that the petitioner was not served with a copy of the report. Though the above writ petition was filed in the year 2008, the report is said to have been made on 06.10.2009 as is evident from Ext.R1(a)

and (b). The petitioner has also filed a reply contending that the said report was not supplied to him. In the circumstances explained above and the context of there being no limitation provided under the Act of 1996, if the petitioner moves an application within a reasonable time ie., from three months from the date of production of the certified copy of this judgment, the Scrutiny Committee shall consider the issue.

The writ petition would stand closed, leaving liberty to the petitioner to approach the appropriate authority under the Act of 1996. All the contentions of either parties are left open. It is made clear that this Court has not made any observation on merits.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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// true copy //
P.A to Judge.