

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C) .No. 11871 of 2015 (H)

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PETITIONER(S) :

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1. VIJAYAKUMAR T, S/O, THAPASI,  
MASS RESIDENCE, NEAR PONMANDAM JUMA MASHITH  
PONMANDAM , MALAPPURAM -676106
2. NANDU DEV V.R., S/O. VIJAYAKUMAR  
MASS RESIDENCE, NEAR PONMANDAM JUMA MASJITH  
PONMANDAM, MALAPPURAM -676106
3. NITHIN DEV V.R., S/O. VIJAYAKUMAR ,  
MASS RESIDENCE, NEAR PONMANDAM JUMA MASJITH,  
PONMANDAM, MALAPPURAM -676106

BY ADV. SRI.KALEESWARAM RAJ

RESPONDENT(S) :

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1. STATE OF KERALA, REPESENTED BY THE SECRETARY  
TO GOVERNMENT, DEPARTMENT OF SCHEDULED CASTE/SCHEDULED  
TRIBE, SECRETARIAT, THIRUVANANTHAPURAM -695001
2. CHAIRMAN, SCRUTINY COMMITTEE , DIRECTORATE OF KIRTADS,  
KOZHIKODE -17
3. VIGILANCE OFFICER VIGILANCE CELL,  
DIRECTORATE OF KIRTADS, KOZHIKODE-17

R BY GOVERNMENT PLEADER SRI. JAYAKUMAR C.K

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS

|             |                                                                                         |
|-------------|-----------------------------------------------------------------------------------------|
| EXT.P1      | COPY OF THE NOTIFICATION DATED 18-1-1985<br>PUBLISHED IN KERALA GAZETTE DATED 26-2-1985 |
| EXT.P2      | COPY OF THE SUDHI CERTIFICATE ISSUED BY ARYA<br>SAMAJ THIRUVANANTHAPURAM                |
| EXT.P3      | COPY OF the CERTIFICATE ISSUED BY VILLAGE<br>OFFICER.                                   |
| EXT.P4      | COPY OF THE MARRIAGER CERTIFICATE DATED 19-8-1992                                       |
| EXT.P5      | COPY OF THE SSLC CERTIFICATE OF THE 2ND<br>PETITIONER.                                  |
| EXT.P6      | COPY OF THE SSLC CERTIFICATE OF THE 3RD<br>PETITIONER.                                  |
| EXT.P7      | COPY OF THE LETTER DATED 3-3-2014 ISSUED TO 2ND<br>PETITIONER.                          |
| EXT.P8      | COPY OF THE LETTER DATED 3-3-2014 ISSUED TO THE<br>3RD PETITIONER.                      |
| EXT.P9      | COPY OF THE COMMON ANTHROPOLOGICAL REPORT<br>TOGETHER WITH DOCUMENTS.                   |
| EXT.P10     | COPY OF THE COMMUNITY CERTIFICATE OF 2ND<br>PETITIONER.                                 |
| EXT.P10 (a) | COPY OF THE COMMUNITY CERTIFICATE OF 3RD<br>PETITIONER.                                 |
| EXT.P11     | COPY OF CERTIFICATE DATED 3-6-2014                                                      |
| EXT.P12     | COPY OF THE APPEAL DATED 19-6-2014                                                      |

RESPONDENTS EXHIBITS

NIL

TRUE COPY

SMM

P.A TO JUDGE

**P.R. RAMACHANDRA MENON,J**

.....  
**W.P.(C) No.11871 OF 2015**

.....  
Dated this the 9<sup>th</sup> day of April, 2015.

**J U D G M E N T**

The petitioners have approached this Court with the following prayers:

- i) to issue a writ of certiorari quashing Exts.P7, P8 and P9 as unjust, illegal and arbitrary;
- ii) to declare that 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are persons belonging to Ayyanavur (Hindu) community and they are entitled to all the benefits due to persons belonging to Scheduled Caste;
- iii) to issue a writ of mandamus directing the 1<sup>st</sup> respondent to consider and pass orders in Ext.P12 after affording the petitioners in opportunity of hearing;
- iv) to issue such other orders, directions, or writs as may be prayed for and that this Hon'ble Court may deem fit on the facts and circumstances of the case.

2. Being aggrieved of Ext.P9 Anthropological report, the petitioners have already moved the first respondent by Ext.P12 appeal. The prayer is to cause the same to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader as well.

3. After hearing both the sides, the writ petition is disposed of directing the first respondent to finalise Ext.P12 appeal in accordance with law after giving an opportunity of hearing to the petitioners, at the earliest, at any rate, within a period of 'three months' from the date of receipt of a copy of this judgment.

The petitioners shall produce a copy of this judgment along with a copy of the writ petition before the first respondent for further steps.

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

smm



