

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 19195 of 2012 (Y)  
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PETITIONER:  
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ANUMOL P.D  
PALAMTHALACKAL HOUSE, ADUKKAM.P.O,  
KOTTAYAM DISTRICT.

BY ADVS.SRI.BABU CHERUKARA  
SMT.ROSAMMA MATHEW  
SRI.P.A.SALIM  
SRI.ANZAR BASHEER  
SRI.P.ANTO THOMAS

RESPONDENTS:  
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1. STATE OF KERALA  
REPRESENTED BY THE SECRETARY  
SCHEDULED CASTES/SCHEDULED TRIBES DEVELOPMENT DEPARTMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.

2. THE REVENUE DIVISIONAL OFFICER,  
PALA, KOTTAYAM, PIN-686575.

3. THE TAHSILDAR,  
MEENACHIL TALUK, PALA, KOTTAYAM DISTRICT  
PIN-686575.

4. THE DISTRICT OFFICER,  
KERALA PUBLIC SERVICE COMMISSION, MUTTAMBALAM  
KOTTAYAM, PIN-686004.

R4 BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC  
R1 TO R3 BY SPECIAL GOVERNMENT PLEADER SMT. LALY VINCENT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON  
27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**WP(C) .No. 19195 of 2012 (Y)**

**APPENDIX**

**PETITIONER(S) EXHIBITS**

EXT-P1 TRUE PHOTOSTAT COPY OF THE APPOINTMENT ORDER NO.A`1-4908/07 DATED 23-12-2011 BY THE DISTRICT OFFICER, SCHEDULED CASTE SCHEDULED TRIBE DEPARTMENT.

EXT-P2 TRUE PHOTOSTAT COPY OF THE CASTE/TRIBE CERTIFICATE ISSUED BY THE TAHSILDAR/MEENACHIL TALUK DATED 21-12-2011.

EXT P3 TRUE PHOTOSTAT COPY OF THE PROCEEDINGS OF THE TAHSILDAR MEENACHIL TALUK BEARING NO.C9-2758/11 DATED 6.1.2012.

EXT.P4 TRUE PHOTOSTAT COPY OF THE COPY OF THE APPEAL MEMORANDUM FILED BY THE PETITIONER BEFORE THE REVENUE DIVISIONAL OFFICER, PALA DATED FEBRUARY 2012.

EXT.P5 TRUE PHOTOSTAT COPY OF THE SHOW CAUSE NOTICE DATED 22.6.2012 ISSUED BY THE 4TH RESPONDENT

EXT.P6 TRUE PHOTOSTAT COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER.

EXT.P7 TRUE PHOTOSTAT COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER.

EXT.P8 TRUE PHOTOSTAT COPY OF THE REVISION PETITIONER DATED 6.8.2012 FILED BY THE PETITIONER BEFORE THE GOVERNMENT SECRETARY, SCHEDULED TRIBES DEVELOPMENT DEPARTMENT.

EXT.P9 TRUE COPY OF THE PROCEEDINGS OF THE TAHSILDAR, MEENACHIL PALA, NO.C9-2758/11 DATED 19.4.2011.

**RESPONDENTS' EXHIBITS :NIL.**

**TRUE COPY**

**P.S. TO JUDGE**

**AL/-**

**K.HARILAL, J.**

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**W.P.(C) No.19195 of 2012**  
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**Dated this the 27<sup>th</sup> day of November, 2015**

**JUDGMENT**

1. Petitioner is a public servant under the State Government working as a watchwoman in a pre-metric hostel, Vaikom, Kottayam District. The third respondent had issued Ext.P2 Caste Certificate to her stating that she is a member of the Scheduled Caste and she was appointed on the basis of that certificate. Thereafter, the third respondent suo mottu started proceedings to cancel the caste certificate issued by him stating that on further enquiry conducted through the Village Officer, Poonjar, Vadakkekara revealed that even though the petitioner was born and brought up under the Hindu Paravan Caste, she had married a scheduled Tribe under the Christian Rights at St.Paul's C.S.I. Church, Adukkom and after her marriage, she was converted into Christianity and she is no longer professing Hinduism, which is an essential criteria for Scheduled Caste status. Accordingly, the third respondent has cancelled the certificate by Ext.P3. Even though, the petitioner had challenged Ext.P3 before the Appellate Authority, the Appellate authority also confirmed Ext.P3 and dismissed the appeal by Ext.P10. Aggrieved by Ext.P10, this writ petition is filed on various grounds.
2. Heard the learned counsel appearing for the petitioner and learned

Special Government Pleader for the respondents.

3. After filing of this writ petition, the petitioner himself has produced copy of the revision petition filed under Section 13 of the Kerala (SC&ST) Regulation of Issue of Community Certificate Act 1996. Thus it stand admitted that the petitioner has resorted to alternative remedy of revision before the Government invoking jurisdiction and power under Section 13 of the said Act. If that be so, this Court is of the view that when the statutory revision is pending consideration before the Government, it is not just and proper to consider the matter in issue, in exercise of jurisdiction under Article 226 of the Constitution of India, by this Court.
4. In the above view of the matter, it is for the petitioner to pursue the revision which is pending before the Government. The Government/ the first respondent is directed to dispose of Ext.P12 revision at the earliest at any rate within a period of three months from the date of receipt of a copy of this judgment, after affording an opportunity of being heard to the petitioner. The petitioner is allowed to continue her present employment and the proceedings initiated by the Public Service Commission to remove the petitioner from service will stand stayed till the disposal of the Revision.

The writ petition is disposed of as above.

**Sd/-**  
**K.HARILAL, Judge**

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