

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. 24214 of 2007 (G)

PETITIONER(S):

**ARCHANA. C.S., D/O SUBRAMANNIAN,
CHALLIYIL HOUSE, ELAMPULASSERY,
KARIMPUZHA, OTTAPALAM, PALAKKAD DISTRICT.**

BY ADV. SRI.M.P.VIJAYAN.

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY DISTRICT COLLECTOR,
PALAKKAD.**
- 2. THE REVENUE DIVISIONAL OFFICER,
OTTAPPALAM, PALAKKAD DISTRICT.**
- 3. THE TAHSILDAR, OTTAPPALAM,
PALAKKAD DISTRICT.**

BY SPL. GOVT.PLEADER SMT.P.K. SANTHAMMA.

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

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1** COPY OF THE JUDGMENT DATED 17/06/2005 OF THIS HONOURABLE COURT.
- EXT.P2** COPY OF THE ORDER OF THE TAHSILDAR DATED 25/07/2005 REJECTING THE OF THE PETITIONER TO ISSUE THANDAN SCHEDULED CASTE CERTIFICATE.
- EXT.P3** COPY OF THE APPEAL FILED BEFORE THE SECOND RESPONDENT DATED 23/08/2005.
- EXT.P4A & P4B:** COPIES OF THE TWO REMINDERS SENT RESPECTIVELY ON 29/11/2005 AND 12/05/2006 TO SECOND RESPONDENT.
- EXT.P5** COPY OF THE JUDGMENT DATED 05/06/2007 OF THIS HONOURABLE COURT.
- EXT.P6** COPY OF THE ORDER OF THE SECOND RESPONDENT DATED 29/05/2007 REJECTING THE EXT.P3 APPEAL.
- EXT.P7** COPY OF THE CALLING LETTER ISSUED BY THE SECOND RESPONDENT DATED 16/06/2007 TO REHEAR THE EXT.P3 APPEAL.
- EXT.P8** COPY OF THE ORDER OF THE SECOND RESPONDENT DATED 20/06/2007 REJECTING THE EXT.P3 APPEAL.
- EXT.P9A** COPY OF THE ABSTRACT OF THE SCHOOL REGISTER OF THE PATERNAL GRANDMOTHER OF THE PETITIONER.
- EXT.P9B** COPY OF THE ORDER OF THE ABSTRACT OF THE REGISTER OF THE FATHER OF THE PETITIONER DATED 19/09/2003.
- EXT.P9C** COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE FATHER OF THE PETITIONER DATED 29/05/1985.
- EXT.P9D** COPY OF THE ABSTRACT OF THE SSLC BOOK OF THE PETITIONER.
- EXT.P9E** COPY OF THE CASTER CERTIFICATE ISSUED TO THE PETITIONER.
- EXT.P9F** COPY OF THE ABSTRACT OF THE SSLC BOOK OF THE HUSBAND OF THE PETITIONER.
- EXT.P9G** COPY OF THE CASTE CERTIFICATE ISSUED TO THE HUSBAND OF THE PETITIONER.

WP(C).No. 24214 of 2007 (G)

- EXT.P9H COPY OF THE ABSTRACT OF THE SCHOOL REGISTER OF THE
PATERNAL UNCLE OF THE PETITIONER DATED 17/04/2001.**
- EXT.P9I COPY OF THE CASTE CERTIFICATE ISSUED TO THE PETERAL
AUNT OF THE PETITIONER.**
- EXT.P9J COPY OF THE CASTE CERTIFICATE DATED 18/04/1985 ISSUED TO
THE PATERNAL UNCLE OF THE PETITIONER.**
- EXT.P9K COPY OF THE CASTE CERTIFICATE DATED 18/04/1985 ISSUED TO
THE PATERNAL UNCLE OF THE PETITIONER.**
- EXT.P10 COPY OF THE LETTER DATED 25/07/2007 ALLOTING THE
SEAT TO THE PETITIONER FOR M.ED. DEGREE.**

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

K. VINOD CHANDRAN, J.
=====

W.P.(C) No.24214 of 2007 - G
=====

Dated this the 8th day of July, 2015

J U D G M E N T

The petitioner claims to be a member of Thandan community, which according to her is included in the list of Scheduled Caste for the State of Kerala.

2. The learned Special Government Pleader (SC & ST) appearing for the State would submit that earlier, only the Thandan community of the Travancore area were included in the list. Earlier the community was recognised as a Scheduled Caste only in the Travancore-Cochin area and not in the Malabar area. The area restriction was taken away by Act 108 of 1976. The list was thus made applicable to the entire State of Kerala.

3. The persons, who belonged to the Thandan community all over the State were entitled to be treated as Scheduled Caste. The denial of such caste status to persons in the Malabar (Palghat) area, by the officers of the State, went to the Hon'ble Supreme Court. The Hon'ble Supreme Court in **Palghat Jilla Thandan Samudhaya Samrakshna Samithi v. State of Kerala [1994(1) SCC 359]** held against the State. However, the State was of the opinion that the Ezhavas in the Malabar area were also known as Thandan and the community known as Thandan in the Malabar areas has no connection with the communities of the same name in the Travancore area. A constitution amendment was brought by Constitution (Scheduled Castes) Order (Amendment) Act, 2007 by which the Ezhavas, Thiyyas, known as Thandan in the erstwhile Cochin and Malabar areas were excluded from the schedule.

4. The petitioner belonging to the Malabar area claiming to belong to the community of Thandan, hence would not be entitled to the benefit of a Scheduled Caste. The above position has also been declared by a Division Bench decision of this Court reported in **Madhavan P. and Others v. State of Kerala and Others [2010 (2) KHC 739 (DB)]**.

Following the aforesaid decision, the writ petition would stand dismissed.

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

SB

// true copy //

P.A to Judge.