

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 2ND DAY OF SEPTEMBER 2015/11TH BHADRA, 1937

WP(C).No. 18148 of 2015 (P)

PETITIONER(S):

1. **MINI BENJAMIN, AGED 31,
D/O.BENJAMIN MATHEW, T.C.14/1495(1),
VAZHUTHACAUD, THYCAUD.P.O.,
TRIVANDRUM-695 014.**
2. **MANOJ B.MATHEW, S/O.BENJAMIN MATHEW,
T.C.14/1495(1), VAZHUTHACAUD,
THYCAUD.P.O., TRIVANDRUM-695 014.**

**BY SMT.V.P.SEEMANDINI (SENIOR ADVOCATE)
ADVS.SRI.M.R.ANISON
SMT.K.P.GEETHA MANI
SMT.V.BHARGAVI (PANANGAD)
SMT.P.A.RINUSA**

RESPONDENT(S):

1. **STATE OF KERALA
REP. BY ITS SECRETARY TO GOVT.,
SCHEDULED CASTE AND SCHEDULED
TRIBES DEVELOPMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.**
2. **THE VIGILANCE CELL KIRTADS,
REP. BY ITS VIGILANCE OFFICER,
DIRECTORATE OF KIRTADS, KOZHIKODE-673 001.**
3. **THE TAHSILDAR, TALUK OFFICE,
THIRUVANANTHAPURAM-695 001.**
4. **THE DIRECTOR OF HIGHER SECONDARY EDUCATION,
HOUSING BOARD BUILDING, SANTHI NAGAR,
TRIVANDRUM-695 024.**
5. **KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY, PATTOM PALACE.P.O.,
THIRUVANANTHAPURAM-695 004.**

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**6. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM-695 011.**

**R1 TO R4 & R6 BY SPECIAL(SC/ST) GOVT. PLEADER SMT.P.K.SANTHAMMA
R5 BY SRI.P.C.SASIDHARAN, SC, KPSC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1- TRUE COPY OF THE EXTRACT OF SCHOOL ADMISSION REGISTER OF 1ST PETITIONER.**
- P2- TRUE COPY OF THE RELEVANT PAGE OF THE S.S.L.C BOOK OF THE 1ST PETITIONER.**
- P3- TRUE COPY OF THE RELEVANT PAGE OF THE S.S.L.C BOOK OF THE 2ND PETITIONER.**
- P4- A TRUE COPY OF THE COMMUNITY CERTIFICATES DATED 27.03.2010 ISSUED TO THE 1ST PETITIONER.**
- P5- TRUE COPY OF COMMUNITY CERTIFICATE DATED 19.03.2012 ISSUED TO THE 1ST PETITIONER.**
- P6- TRUE COPY OF COMMUNITY CERTIFICATE DATED 23.09.2013 ISSUED TO THE 1ST PETITIONER.**
- P7- TRUE COPY OF COMMUNITY CERTIFICATE DATED 28.03.2014 ISSUED TO THE 1ST PETITIONER.**
- P8- TRUE COPY OF COMMUNITY CERTIFICATE DATED 09.11.1999 ISSUED TO THE 2ND PETITIONER.**
- P9- TRUE COPY OF COMMUNITY CERTIFICATE DATED 30.08.2003 ISSUED TO THE 2ND PETITIONER.**
- P10- TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 19.06.2013 ISSUED TO THE 2ND PETITIONER.**
- P11- TRUE COPY OF THE CERTIFICATE DATED 27.05.2011 ISSUED BY THE TAHSILDAR, MEENACHIL TALUK NO.3863/34/11.**
- P12- TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 01.11.2014 ISSUED TO THE 3RD RESPONDENT.**
- P13- TRUE COPY OF THE ADVISE MEMO ISSUED BY THE 5TH RESPONDENT DATED 23.02.2015.**
- P14- TRUE COPY OF THE PROVISIONAL CERTIFICATE DT. 28.05.2015 ISSUED BY 3RD RESPONDENT.**
- P15- TRUE COPY OF THE AFFIDAVIT OF LOCAL PEOPLE MR.MURUGAN, DATED 25.05.2015.**
- P16- TRUE COPY OF THE AFFIDAVIT OF THE LOCAL PEOPLE, MR.ASOK KUMAR DATED 25.05.2015.**

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- P17- TRUE COPY OF THE APPOINTMENT ORDER DATED 10.03.2015 OF THE 1ST PETITIONER.**
- P18- TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 26.05.2015.**
- P19- TRUE COPY OF THE LETTER DATED 27.03.2014 ISSUED BY THE 3RD RESPONDENT TO THE 2ND PETITIONER.**
- P20- TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER MEENACHIL DATED 27.05.2011 NO.3863/33/11.**
- P21- TRUE COPY OF THE REPORT OF THE VILLAGE OFFICER MELUKAVU DATED 13.12.2012.**
- P22- TRUE COPY OF AFFIDAVIT OF LOCAL PEOPLE MR.KUNJUMON, DATED 13.12.2012.**
- P23- TRUE COPY OF AFFIDAVIT OF LOCAL PEOPLE MR.P.KPRABHAKARAN NAIR, DATED 13.12.2012.**
- P24- TRUE COPY OF REVISION PETITION FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT.**

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C)No.18148 of 2015

Dated this the 2nd day of September, 2015.

J U D G M E N T

The 1st petitioner is presently working as H.S.S.T.(Jr.) (Botany) in Government H.S.S., Koothuparambu, Kannur. The issue pertains to the caste claimed by the petitioner by Exts.P18 and P19. By the enquiry conducted by the Vigilance Officer, KIRTADS, it is found that the petitioner cannot claim the benefit of Community of Scheduled Tribe. The petitioner, aggrieved by the above, has approached the Government by Ext.P24.

2. There was also an issue regarding the Community status of the 2nd petitioner, who is the brother of the 1st petitioner. Ext.P19 is the report of the Tahasildar based on the letter by the KIRTADS. The 2nd petitioner also preferred a revision before the Government along with the 1st petitioner in Ext.P24.

3. This Court is of the view that, the Government shall refer Ext.P24 to Scrutiny Committee for a decision, which shall be done within a period of one month of receipt of copy of this judgment. Thereafter, the Scrutiny Committee shall take a decision within a further period of 3 months. The petitioner shall co-operate with the enquiry being conducted by the Scrutiny Committee. Till a decision is taken by the Scrutiny Committee, no action shall be initiated against the 1st petitioner.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

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//True copy//

P.A.to Judge