

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 21ST DAY OF JULY 2015/30TH ASHADHA, 1937

WP(C).No. 24117 of 2009 (H)

PETITIONER:

RAGI RAMESH, D/O. P.THANKAMONY,
AGED 19 YEARS, TC 2/2133, TPS NAGAR
PLAMOODU, PATTOM, THIRUVANANTHAPURAM.

BY ADVS.SRI.T.A.UNNIKRISHNAN
SRI.S.ABU BAKER KUNJU
SRI.J.T.KURUP
SRI.P.P.BIJU
SRI.NITHIN JACOB

RESPONDENTS:

1. THE TAHSILDAR,
THIRUVANANTHAPURAM.
2. THE DIRECTOR,
KIRTADS, KOZHIKODE.
3. THE PRINCIPAL,
MAR IVANEOS COLLEGE, NALANCHIRA, THIRUVANANTHAPURAM.

R1 BY SPL.GOVERNMENT PLEADER SMT.P.K.SANTHAMMA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P. (C) .NO.24117/2009:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: TRUE COPY OF THE EXTRACT OF ADMISSION REGISTER OF THE PETITIONER'S MOTHER.
- EXT.P2: TRUE COPY OF THE S.S.L.C. CERTIFICATE OF PETITIONER.
- EXT.P3: TRUE COPY OF THE LETTER DATED 30.7.2009 OF THE 1ST RESPONDENT.
- EXT.P4: TRUE COPY OF THE MEMO ISSUED BY THE 3RD RESPONDENT SHOWING MY SELECTION TO THE COURSE AS A CANDIDATE BELONGING TO SCHEDULED CASTE.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.A. TO JUDGE.

Prv/2.

K. Vinod Chandran, J

W.P.(C).No.24117 of 2009-H

Dated this the 21st day of July, 2015.

JUDGMENT

The petitioner claims to be a 'Hindu-Nayadi' on the basis of her mother's caste. By an affidavit filed in I.A.No.10905 of 2009, the petitioner also states that the petitioner's father also belongs to the community 'Hindu-Nayadi'. Admittedly the same is included in the 'Scheduled Caste' for the State of Kerala. However, by Exhibit P3, the Tahsildar, Thiruvananthapuram sought for a report from the Kerala Institute for Research, Training and Development Studies [for brevity "KIRTADS"], which is the expert agency constituted under the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 [for brevity "Act of 1996"]. It is not clear as to whether an Anthropological report has been obtained from the KIRTADS. In any event, by reason of an interim order the petitioner was provisionally directed to be admitted; however, subject to the result of the writ petition.

2. The Act of 1996 prescribes a procedure by which the Expert Agency constituted under the Act, viz., KIRTADS, conducts an enquiry and submits an Anthropological report, based on which alone the caste status can be affirmed. It is not clear whether there is an Anthropological report in the aforesaid case. If there is a report, even the State or the petitioner could challenge the same before the Scrutiny Committee under the Act or before the Government by way of revision.

3. In the present case, since there is no report placed on record either by the petitioner or the respondents, it is only proper that the KIRTADS conduct an enquiry into the matter. The caste status of the petitioner would be subject to the findings as per the Act of 1996. The 2nd respondent is, hence, directed to conduct an enquiry and prepare an Anthropological report, if one has not been prepared till now. The 2nd respondent shall conduct the enquiry and communicate the report to the petitioner also.

Writ petition would stand disposed of, leaving open all the contentions of the petitioner. Parties are left to suffer their respective costs.

Sd/-
K.Vinod Chandran
Judge.

Vku/-

[true copy]