

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 28TH DAY OF JULY 2015/6TH SRAVANA, 1937

WP(C).No. 24350 of 2010 (P)

PETITIONER(S):

1. M.JANARDHANAN, APARNA HOUSE,
CHOONDALE P.O., WAYANAD - 673123.
2. APARNA JANARDHANAN,
D/O.M.JANARDHANAN, APARNA HOUSE, CHOONDALE P.O.
WAYANAD-673123.

**BY ADVS.SRI.T.P.SAJAN
SRI.M.MOHAMED NAVAZ**

RESPONDENT(S):

1. THE COMMISSIONER,
FOR ENTRANCE EXAMINATION,
O/O.THE ENTRANCE EXAMINATION, HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM - 695001.
2. THE CONVENER,
SCREENING COMMITTEE,
(COMMISSIONER FOR ENTRANCE EXAMINATION),
O/O.THE ENTRANCE EXAMINATION, HOUSING BOARD BUILDING,
SANTHI NAGAR, THIRUVANANTHAPURAM - 695001.
3. VIGILANCE OFFICER, VIGILANCE CELL,
KIRTADAS, KOZHIKODU-17.
4. THAHSILDAR,
VYTHIRI TALUK, VYTHIRI-673123.

BY GOVERNMENT PLEADER SMT.SHANTAMMA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONERS' EXHIBITS

- P1: COPY OF THE LETTER ISSUED BY TAHSILDAR KOYILANDI DTD.18/8/95**
- P2: COPY OF THE COMMUNITY CERTIFICATE ISSUED BY THE TAHSILDAR VYTHIRI DTD.26/6/2008**
- P3: COPY OF THE CASTE CERTIFICATE ISSUED BY TAHSILDAR VYTHIRI DTD.5/10/09**
- P4: COPY OF THE CASTE CERTIFICATE ISSUED BY TAHSILDAR VYTHIRI DTD.1/4/96**
- P5: COPY OF THE COMMUNITY CERTIFICATE ISSUED BY TAHSILDAR VYTHIRI DATED 10/9/09**
- P6: COPY OF THE CASTE CERTIFICATE ISSUED BY TAHSILDAR VYTHIRI DTD.7/6/2**
- P7: COPY OF THE HIGHER SECONDARY EXAMINATION CERTIFICATE**
- P8: COPY OF THE ANTHROPOLOGICAL REPORT DATED 17/4/10**
- P9: COPY OF THE WRITTEN SUBMISSION SUBMITTED BY THE 2ND PETITIONER**
- P10: COPY OF THE PROCEEDINGS OF THE R1 DATED 26/5/10**
- P11: COPY OF G.O.(MS)O.109/SC ST DD DATED 20/11/08**
- P12: COPY OF THE LETTER ISSUED BY TAHSILDAR KOYILANDI DATED 25/1/11**
- P13: COPY OF THE MARK LIST ISSUED BY THE CBSE**
- P14: COPY OF THERELEVANT PAGE OF DESABHIMANI DAILY DATED 22/1/91**
- P15: COPY OF THE LETTER ISSUED BY THE DISTRICT DEVELOPMENT OFFICER FOR THE SCHEDULED CASTE ATED 29/6/11**
- P16: COPY OF THE LETTER ISSUED BY THE ALL INDIA CONFERDATION OF SC/ST ORGANISATION DATED 10/4/11**
- P17: COPY OF THE LETTER ISSUED BY THE ALL INDIA CONFERDATION OF SC/ST ORGANISATION DATED 19/6/11**
- P18: COPY OF THE CERTIFICATE ISSUED BY THE HEAD MISTRESS OF RC LP SCHOOL CHUNDEL.**
- P19: COPY OF THE CERTIFICATE ISSUED BY THE HEAD MASTER RC HIGH SCHOOL CHUNDEL**

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- P20: COPY OF THE CERTIFICATE ISSUED BY THE HEAD MASTER SKMJ HIGHER
SECONDARY SCHOOL KALPETTA**
- P21: COPY OF THE CERTIFICATE ISSUED BY THE HEAD MASTER SKMJ HIGHER
SECONDARY SCHOOL KALPETTA**
- P22; COPY OF THE CERTIFICATE ISSUED BY THE PRINCIPAL SKMJ HIGHER
SECONDARY SCHOOL KALPETTA**

RESPONDENTS' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 24350 of 2010 (P)

Dated this the 28th day of July, 2015

J U D G M E N T

The petitioners are aggrieved with the fact that the petitioners' caste status as Hindu-Cheruman was rejected by the Kerala Institute for Research, Training and Development Studies (KIRTADS) for Scheduled Castes and Scheduled Tribes constituted under the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 (for brevity the 'Act').

2. The 2nd petitioner had sought for admission to a professional degree course on the basis of Scheduled Caste status. The 2nd petitioner, admittedly, was the daughter of a Hindu-Cheruman father and Hindu-Deewara mother. The 2nd petitioner claims that she was brought up by her father in the social milieu of the Scheduled Caste community. The KIRTADS however, by Ext.P8, rejected the same on the ground that on the basis of the extract of admission register

the 1st petitioner was brought up in the social milieu of his mother who belongs to Hindu-Thiyya community. However, these are all factual matters which will have to be examined by the statutory authority constituted under the Act.

3. The petitioner, however, was granted an interim order of issuance of a provisional certificate, on the basis of which she had been admitted to professional degree course. The Hon'ble Supreme Court in **State of Maharashtra v. Milind and others - (2001) 1 SCC 4** found that such educational degrees to which any person has been wrongly admitted cannot be withdrawn after a long lapse of time. Hence, the petitioner having completed the Graduate Engineering Degree, the petitioner would definitely have the benefit of such graduate degree. However, **Dattu S/o. Nambev Thakur v. State of Maharashtra & others - (2012) 1 SCC 549** found that if any concession or reduction of fees has been availed by the candidate, then that will have to be made good by the candidate.

4. In such circumstance, the petitioner would have to approach the Scrutiny Committee, which the petitioner shall, within one month from the date of this judgment, failing which the Anthropological Report of the KIRTADS will be deemed to have become final. The Scrutiny Committee shall consider the materials relied on by the KIRTADS and any contra evidence produced by the petitioner, and arrive at a finding, as expeditiously as possible, after affording an opportunity of hearing. The petitioner's caste status shall depend upon the findings of the Scrutiny Committee and if found against, the petitioner shall be liable to make good any concession or reduction of fees availed of by her.

The writ petition would stand disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE