

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

WEDNESDAY, THE 18TH DAY OF NOVEMBER 2015/27TH KARTHIKA, 1937

WP(C).NO. 27696 OF 2012 (J)

PETITIONER:

SATHI T, AGED 32 YEARS,
W/O.SANTHOSH K.R., KALATHIKKATTIL, CHERUKOL P.O.,
PATHANAMTHITTA, PIN-689 650

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENTS:

1. THE TAHSILDAR,
RANNI TALUK, PATHANAMTHITA DISTRICT.
2. THE VILLAGE OFFICER,
CHERUKOL, PIN-689650, PATHANAMTHITTA DISTRICT.
3. THE PRINCIPAL,
ST.THOMAS HIGHER SECONDARY SCHOOL, KOZHENCHERRY,
PIN-689650, PATHANAMTHITTA DISTRICT.

R1 BY SPECIAL GOVERNMENT PLEADER, SMT. P.K. SANTHAMMA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
18-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1:- TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER'S SON SANDEEP
- EXT.P2:- TRUE COPY OF THE APPLICATION DTD 18/6/2012 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- EXT.P3:- TRUE COPY OF THE CERTIFICATE DTD 11/6/2012 ISSUED BY THE KERALA PARAVAN SERVICE SOCIETY, ARANMULA.
- EXT.P4:- TRUE COPY OF THE JUDGMENT DTD 18/7/2002 IN OP NO 19881/2002 OF THIS HON'BLE COURT,
- EXT.P5:- TRUE COPY OF THE CERTIFICATE DTD 11/10/2002 ISSUED BY THE 1ST RESPONDENT.
- EXT.P6:- TRUE COPY OF GIFT DEED OF THE YEAR 1091 (ME) OF PETITIONER'S HUSBAND'S GRAND FATHER,
- EXT.P7:- TRUE COPY OF THE PROCEEDINGS DTD 1/9/2007 OF THE SCRUTINY COMMITTEE FOR VERIFICATION OF COMMUNITY CERTIFICATE
- EXT.P8:- TRUE COPY OF THE JUDGMENT DTD 3/10/2012 IN WPC NO 21937/2012 OF THIS HON'BLE COURT,
- EXT.P9:- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD 17/10/2012 UNDER RIGHT TO INFORMATION ACT
- EXT.P10:- TRUE COPY OF THE ORDER DTD 30/10/2012 OF THE 1ST RESPONDENT.

RESPONDENTS' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

DST

K. HARILAL, J.

= = = = =

W.P. (C) No.27696 of 2012

- - - - -

Dated this the 18th day of November, 2015

J U D G M E N T

The grievance of the petitioner is that 1st and 2nd respondents, without conducting any proper enquiry, refused to issue Caste Certificate showing that her son 'Sandeep S' belongs to Hindu Paravan, for the purpose of producing the same before the 3rd respondent, for educational purposes.

2. The petitioner and her family originally belongs to 'Hindu Paravan' Caste, which is a Scheduled Caste. The petitioner's son passed S.S.L.C. and is now studying for Higher Secondary in the 3rd respondent's school. Exts.P1 and P2 show that Caste of her son is Hindu Paravan. But, when the petitioner applied for Caste certificate for her son, the 2nd respondent refused to accept the same saying that petitioner's husband's

-: 2 :-

Caste name is 'Chakkamar', which would come only under Other Eligibility Community (OEC). Aggrieved by the non-issuance of the certificate, the petitioner approached this Court, seeking a direction to the 2nd respondent to accept the application and issue a Caste Certificate, as required. But, that Writ Petition was disposed of by this Court vide Ext.P8 judgment, on a misrepresentation by respondents 1 and 3 that Caste Certificate has already been issued as required. But, in fact, the Caste Certificate has not been received so far and the same is evidenced by Ext.P10. The 1st respondent, without making any enquiry, as provided under Section 9 of the Kerala Scheduled Caste and Scheduled Tribe Regulation and Issue of Community Certificate Act, 1996(*hereinafter referred to as 'the Act'*) passed Ext.P10 order denying the Caste Certificate. In fact, no enquiry had been conducted before passing

Ext.P10.

3. Heard the learned counsel for the petitioner and learned Special Government Pleader, appearing for Scheduled Caste and Scheduled Tribes.

4. Going by Ext.P10 order, it is seen that even though, the petitioner's son's Caste is shown as 'Hindu Paravan' in his S.S.L.C. Book, his father's School Certificate shows that he belongs to 'Hindu Chakkamar' (OEC) and on that reason the Community Certificate has been denied. The 1st respondent should have borne in mind that the Act was promulgated to redress the grievance of the persons belonging to Scheduled Caste in the matter of obtaining Caste Certificate and specific provisions are provided for making enquiry, by expert agency. But, the 1st respondent has not resorted to expert opinion as provided under Section 9 of the Act.

5. In the above view, Ext.P10 will stand set aside

-: 4 :-

and the 1st respondent is directed to refer the matter to expert agency as provided under Section 9 of the Act and take a decision, after getting a report from the expert agency, at any rate, within a period of six months from today.

This Writ Petition is disposed of accordingly.

Sd/-

**K. HARILAL,
JUDGE**

DST

//True copy//

P.A. To Judge