

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 13TH DAY OF JULY 2015/22ND ASHADHA, 1937

WP(C).No. 35117 of 2008 (E)

PETITIONER :

**DEIVANI.P, D/O. PERUMAL,
HOUSE NO. 7/204, DAM ROAD, WALAYAR,
PUDUSSERY EAST VILLAGE, PALAKKAD TALUK AND DISTRICT.**

**BY ADVS.SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P**

RESPONDENT(S):

- 1. THE DIRECTOR, KIRTADS,
KOZHIKODE.**
- 2. THE TAHSILDAR,
PALAKKAD TALUK.**
- 3. THE VILLAGE OFFICER,
PUDUSSERY EAST VILLAGE,
PALAKKAD TALUK AND DISTRICT.**
- 4. THE PRINCIPAL,
KENDRIYA VIDYALAYA, KANJIKODE,
PALAKKAD.**

**R1 TO R3 BY SPL.GOVERNMENT PLEADER SMT. LALY VINCENT
R4 BY ADV. SRI.V.V.ASOKAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.35117/2008

APPENDIX

PETITIONER'S EXHIBITS:

- | | |
|-------------------|---|
| EXHIBIT P1 | COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE PETITIONER. |
| EXHIBIT P2 | COPY OF THE APPLICATION SUBMITTED TO THE RESPONDENT NO.4, IN CONNECTION WITH THE ADMISSION OF INDUMATHI.P.N. |
| EXHIBIT P3 | COPY OF THE JUDGMENT DATED 25/04/2008 PASSED IN OP NO.725/2007, ON THE FILED OF FAMILY COURT AT PALAKKAD. |
| EXHIBIT P4 | COPY OF THE LETTER DATED 15/02/2008, ISSUED BY THE RESPONDENT NO.4, IN THE NAME OF THE PETITIONER. |
| EXHIBIT P5 | COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE PETITIONER ON 28/06/2008 BY THE RESPONDENT NO.2 |
| EXHIBIT P6 | COPY OF THE COMMUNICATION DATED 19/08/2008 SENT BY THE RESPONDENT NO.2 TO THE RESPONDENT NO.1 |

RESPONDENT'S EXHIBITS: **NIL**

/TRUE COPY/

P.S.TO JUDGE

sts

K. Vinod Chandran, J

W.P.(C).No.35117 of 2008-E

Dated this the 13th day of July, 2015

JUDGMENT

The petitioner is before this Court seeking assertion of the caste status of her children, as that of her's. The petitioner admittedly is a "Chakkiliyan", as is evidenced by Exhibit P5. Hindu-Chakkiliyan is recognised as a Scheduled Caste in the State of Kerala. The petitioner entered into an inter-caste marriage with one Nagarajan.K.A., who does not belong to a Scheduled Caste. Two children were born in the wedlock. However, the husband of the petitioner abandoned her and in O.P.No.725 of 2007, the Family Court, Palakkad granted her a divorce on the ground of cruelty.

2. As recorded in Exhibit P3, her husband abandoned her on 22.09.2003 when she was pregnant with one child and the elder child was aged around 3 (three). The children, from birth, were living along with the mother. In such circumstances, it is only proper that the mother's caste status be conferred on the children also. However, the same has to be done after a proper enquiry conducted by the Kerala Institute for Research, Training

and Development Studies [for brevity "KIRTADS"]. The petitioner shall produce a certified copy of this judgment along with an application for verification of the caste status of the petitioner's children before the KIRTADS. The KIRTADS shall conduct an enquiry and prepare an Anthropological report, based on which the caste status of the petitioner's children shall be decided. It is made clear that any benefit conferred on the petitioner by virtue of the interim order will continue till the KIRTADS takes a decision.

The writ petition is disposed of as above. No costs.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]