

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 36232 of 2008 (L)

PETITIONER(S):

**SHEEBA.M, D/O.MANI, AGED 27 YEARS,
W/O. BHASKARAN.T.P, THANNIKKAL HOUSE, CHELAKKODU.P.O
NATTINCHIRA, PAZHAYANNOORE, FROM KOTTAPARAMBIL HOUSE
VADAKKANCHERRY.P.O, ALATHUR, PALAKKAD DISTRICT.**

BY ADV. SRI.JOHN JOSEPH(ROY)

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT OF KERALA
SC/ST DEVELOPMENT DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM.**
- 2. THE DISTRICT OFFICER,
KERALA PUBLIC SERVICE COMMISSION, PALAKKADU.P.O
PALAKKADU.**
- 3. THE TAHSILDAR,
TALUK OFFICE, ALATHUR TALUK, PALAKKADU DISTRICT.**

**R1 & R3 BY ADV. P.V.ELIAS, GOVERNMENT PLEADER
R2 BY SRI.P.C.SASIDHARAN,STANDING COUNSEL, KPSC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS:

- P1 : COPY OF HTE NOTICE DATED 27.11.2008
- P2 : COPY OF HTE APPLICATION FOR CASTE CERTIFICATE SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- P3 : COPY OF THE 1ST PAGE OF THE SSLC BOOK OF THE PETITIONER
- P4 : COPY OF THE LETTER SUBMITTED TO THE 2ND RESPONDENT ON 04.12.2008
- P5 : COPY OF THE LAND TAX RECEIPT ISSUED TO THE GRAND FATHER OF THE PETITIONER DATED 25.11.83 OF KATTUSSERY VILLAGE OFFICER, ALATHUR
- P6 : COPY OF THE LAND TAX RECEIPT DATED 23.11.99 ISSUED TO THE FATHER OF THE PETITION
- P7 : COPY OF THE SCHOOL ADMISSION REGISTER EXTRACT DATED 06.12.2008 ISSUED FROM SVUP SCHOOL

RESPONDENTS' EXHIBITS: N I L

//TRUE COPY//

P.A. TO JUDGE

JV

ANIL K. NARENDRA, J.

W.P.(C) No.36232 of 2008

Dated this the 29th day of June, 2015

JUDGMENT

The petitioner has filed this writ petition seeking a writ of mandamus commanding the 2nd respondent to give her proper ranking in the selection conducted pursuant to Ext.P1 for the post of LD Clerk in Palakkad District, recognizing her as "Thandan SC" in view of Ext.P3 SSLC Book.

2. By order dated 19.12.2008, this Court passed the following order:

"2. Since in W.P.(C). No.36211/2008, an interim order has been granted to a similarly placed candidate, I pass the following interim order.

3. The Tahsildar concerned shall issue a caste certificate to the petitioner showing her as a Thandan (Scheduled Caste) community within one week from the date of receipt of a copy of this order. The said certificate would be provisional and subject to further orders to be passed in the writ petition. If the petitioner secures an appointment on the basis of the caste certificate to be issued pursuant to the interim order, the appointment shall be provisional and no equity shall enure in her favour merely by reason of the caste certificate and the equity

shall be subject to further orders to be passed in the writ petition. If the petitioner produces the caste certificate so issued within one week from the date of receipt of the same, the Public Service Commission shall accept the same as one produced within the time stipulated and process the candidature of the petitioner accordingly.

In the meanwhile, the petitioner shall file an appeal against the order rejecting the application for caste certificate passed by the Tahsildar, as provided under Act 11 of 1996."

3. Today, when the case was taken up for final hearing, the learned counsel for the petitioner would submit that the appeal filed by the petitioner against rejection of her application for caste certificate by the 2nd respondent is now pending consideration before the Appellate Authority under the Kerala (Scheduled Castes & Scheduled Tribes) Regulation of Issue of Community Certificate Act, 1996. In such circumstances, the learned counsel for the petitioner would submit that this writ petition may be closed without prejudice to the right of the petitioner to pursue the appeal filed under Section 12 of the said Act, which is still pending before the Appellate Authority and the Appellate Authority may be directed to take decision on such appeal within a time limit that may be fixed by this Court.

4. I heard the arguments of the learned counsel for the petitioner and also the learned Special Government Pleader appearing for the respondents.

Considering the fact that statutory appeal filed by the petitioner under Section 12 of the aforesaid Act is pending consideration before the appellate authority, this writ petition is closed, without prejudice to the right of the petitioner to pursue that appeal and directing that Appellate Authority to take a final decision in the matter, if not already disposed of, within a period of three months from the date of receipt of a certified copy of this judgment.

JV

SD/-
ANIL K. NARENDRAN,
JUDGE