

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

WP(C).No. 34967 of 2014 (U)

PETITIONER :

**JAYASOORYA
AGED 18 YEARS, S/O. K. MANOHARAN
GOVERNMENT JUVENILE HOME, KOLLAM**

BY ADV. SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
DEPARTMENT OF SOCIAL JUSTICE, SECRETARIAT,
TRIVANDRUM – 695 001.**
- 2. THE DISTRICT COLLECTOR,
KOLLAM- 686 001.**
- 3. THE TAHSILDAR,
KOLLAM – 686 001.**
- 4. THE VILLAGE OFFICER
KOLLAM EAST VILLAGE – 686 001.**

R1 TO R4 BY GOVT. PLEADER SRI. S. SUDHISH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

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...2/-

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1	COPY OF THE DETAILS ABOUT THE PETITIONER ISSUED BY GOVT.CHILDREN'S HOME, KOLLAM ON 6/2/13.
EXHIBIT P2	COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE ISSUED BY THE GENERAL EDUCATION DEPARTMENT OF GOVT. OF KERALA.
EXHIBIT P3	COPY OF THE TRANSFER CERTIFICATE ISSUED BY THE SREE NARAYANA TRUST HIGHER SECONDARY SCHOOL, KOLLAM TO THE PETITIONER.
EXHIBIT P4	COPY OF THE LETTER DATED 5//2/13 ISSUED BY THE VILLAGE OFFICER, KOLLAM EAST TO THE SUPERINTENDENT, JUVENILE HOME, KOLLAM.
EXHIBIT P5	COPY OF THE LETTER DATED 31/1/2014 ISSUED BY THE VILLAGE OFFICER, KOLLAM EAST TO THE SUPERINTENDENT, JUVENILE HOME, KOLLAM.
EXHIBIT P6	COPY OF THE REPRESENTATION DATED 6/2/13 SUBMITTED BEFORE THE DISTRICT COLLECTOR, KOLLAM.
EXHIBIT P7	COPY OF THE REPRESENTATION DATED 7/2/13 SUBMITTED BEFORE THE HON'BLE MINISTER OF SOCIAL JUSTICE DEPT., KERALA.
EXHIBIT P8	COPY OF THE REPRESENTATION DATED 7/2/13 SUBMITTED BEFORE THE HON'BLE MINISTER OF REVENUE DEPT., KERALA.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.34967 of 2014

Dated this the 12th day of October, 2015

JUDGMENT

The petitioner is brought up as a destitute ever since he was 8 years old. He is living in the Government Children's Home, Kollam.

2. This is a peculiar case where the petitioner wants to have a determination of his caste. The petitioner claims that he belongs to Hindu-Kurava. However, he doesn't have any proof of the same.

3. There is no other proof regarding the whereabouts of the petitioner's birth and parents. But as seen from Exts.P4 and P5, the petitioner was brought to the Children's Home by the Police. If the petitioner belongs to a reserved community, he cannot be denied such benefit merely because the person is brought up in a Children's Home. But the manner in which the caste status has to be determined is a difficult task for the officers to resolve. In this case, as seen from the records, the petitioner brought to the Children's Home, Kollam in the year 2004.

This Court is of the view, the District Collector shall cause enquiry through various agencies to find out the petitioner's parents and the community to which they belong. The District Collector is also free to seek assistance of the Police Authorities or such other agencies to find out about the details of parents of the petitioner. The District Collector shall take appropriate decision after making such enquiry in this matter. Appropriate decision shall be taken in this matter within a period of six months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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