IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE T.P.VIVEKANANDA

WRIT PETITION NO. 23045 OF 2024 (GM-CC)

BETWEEN:

RAMESH M.C
S/O LATE V.M. CHANDRAGASA,
AGED ABOUT 63 YEARS,
R/AT NO.418, 19TH CROSS,
BEHIND INDIRA NURSING HOME,
VIJAYANAGAR RAILWAY LAYOUT ,
MYSURU-570 001.

...PETITIONER

(BY SRI R. VENKATA RAGHAVAN, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
   BY ITS PRINCIPAL SECRETARY,
   SOCIAL WELFARE DEPARTMENT,
   M.S.BUILDING,
   DR.AMBEDKAR VEEDHI,
   BENGALURU-560 001.

2. COMMISSIONER AND APPELLATE AUTHORITY
   SOCIAL WELFARE DEPARTMENT
   M.S.BUILDING,
   DR.AMBEDKAR VEEDHI,
   BENGALURU-560 001.

3. DEPUTY COMMISSIONER AND PRESIDENT
   DISTRICT CASTE VERIFICATION COMMITTEE,
   MYSURU DISTRICT,
   MYSURU-570 001.

4. DEPUTY SECRETARY AND MEMBER
   DISTRICT CASTE VERIFICATION COMMITTEE

Digitally signed by PREMCHANDRA M R
Location: HIGH COURT OF KARNATAKA

MYSURU DISTRICT,
MYSURU-570 001.

5. DEPUTY SECRETARY (ADMIN) AND MEMBER
DISTRICT CASTE VERIFICATION COMMITTEE
MYSURU DISTRICT,
MYSURU-570 001.

6. TAHASILDAR
MYSURU TALUK,
MYSURU-570 001.

7. SR. DIVISIONAL OPERATIONS MANAGER
DIVISIONAL OFFICES
OPERATING DEPARTMENT,
SOUTH WESTERN RAILWAY,
MYSURU-570 001.

8. SUPERINTENDENT OF POLICE
CIVIL RIGHTS ENFORCEMENT
DIRECTORATE, MYSURU REGION,
MYSURU-570 001.

…RESPONDENTS

(BY SRI C.JAGADISH, SPECIAL COUNSEL FOR R1 TO R6 & R8;
DSGI FOR R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 30.09.2023 IN APPEAL NO.CR 14/2019-20 (ANNEXURE-A) PASSED BY THE 2ND RESPONDENT-COMMISSIONER AND APPELLATE AUTHORITY, SOCIAL WELFARE DEPARTMENT, GOVERNMENT OF KARNATAKA AND QUASH THE ORDER DATED 26.08.2019 IN NO.Y/P.171/SC OR ST/SM/VOL I/19 (ANNEXURE B) PASSED BY THE 7TH RESPONDENT DISMISSING PETITIONER WITH IMMEDIATE EFFECT OF 26.08.2019 AND ETC.

THIS WRIT PETITION, HAVING BEEN RESERVED FOR ORDERS ON 28.10.2026, COMING ON FOR PRONOUNCEMENT, THIS DAY, **T.P.VIVEKANANDA J.,** MADE THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE T.P.VIVEKANANDA

CAV ORDER

The petitioner is before this Court seeking the following prayers:

1) *Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing the order dt: 30.9.2023 in Appeal No. CR 14/2019-20 (Annexure-A) passed by the 2nd Respondent - Commissioner and Appellate Authority, Social Welfare Department, Government of Karnataka in the interest of justice and equity.*

2) *Issue a Writ of Certiorari or any other appropriate writ, order or direction quashing the order/Memorandum dt: 26.8.2019 in No.Y/P.171/SC or ST/SM/Vol 1/19 (Annexure-B) passed by the 7th Respondent dismissing the Petitioner from service with immediate effect of 26.8.2019 in the interest of justice and equity.*

3) *Issue a Writ of Certiorari or any other appropriate writ or direction quashing the report dt: 17.12.2018 (Anneuxre-C) prepared by the Inspector of Police, Civil Right Enforcement Cell, Mysuru attached to the office of the 8th Respondent, in the interest of justice and equity.*

4) *Issue a Writ of Mandamus or any other appropriate writ, order or direction directing the Respondents No.1 to 6 to restore and/or validate the Certificate Caste bearing No.RD0038882579597 (Annexure-M2) dt: 12.9.2016 and 3087/89-90 (Annexure-M3)*

dt: 12.7.1989 issued in favour of the Petitioner by the competent authority in accordance with law in the interest of justice and equity.

5) *Issue a Writ of Mandamus or any other appropriate writ, order or direction to grant all consequential benefits pursuant to the quashing of the order Annexure-A in Appeal No.CR 14/2019-20 dated: 30.9.2023 passed by the 2nd Respondent; and Annexure-B the Memorandum in No.Y/P.171/SC or ST/SM/Vol I/19 dated: 26.8.2019 of the 7th respondent and Annexure-C the report dated: 17.12.2018 of the Inspector of Police, Civil Rights Enforcement Cell, Mysuru, attached to the office of the 8th Respondent with full salary Respondent to pay full salary for the period 26.08.2019 to 30.03.2021 (actual date of retirement) as interim measure, as if he was in service during this period in the interest of justice and equity.*

2. The facts which led the petitioner to approach this Court through the instant writ petition are stated as follows:

2.1 The petitioner was an employee of 7th respondent working in the post of substitute call boy. While the petitioner was in service, Sri.Manje Gowda and Sri Ravi Kumar have made a complaint to the Officer of the South Western Railway, Hubli, alleging that the petitioner and Sri C.Karunakara have made fraudulent claim of they belongs to Scheduled Caste. On the basis of

the said complaint, the South Western Railway made a request to the Civil Rights Enforcement Directorate hold an enquiry. Based on which, a report was called by the Superintendent of Police, CRE Cell, Mysore Region, from the Inspector of Police, Civil Rights Enforcement Directorate. Accordingly, the Inspector of Police, Civil Rights Enforcement Directorate, Mysore, has conducted detailed investigation and submitted the report on 17.12.2018 to the Superintendent of Police, CRE Cell, opining that the petitioner belongs to Mudaliar caste, however, false caste certificate has been obtained for the caste Adi-Dravida.

2.2 Based on the aforesaid report, the District Caste Verification Committee had conducted the proceedings/inquiry and passed an order on 28.06.2019 holding that the petitioner and his brother Sri. C.Karunakara sons of Sri V.M.Chandragasa are originally from the State of Tamil Nadu and belong to the caste of Mudaliar. However, suppressing their caste, by furnishing false information, have obtained the caste

certificate claiming to belonging to Adi-Dravida and therefore, directed the Tahsildar, Mysore Taluk, to cancel the caste certificate. Consequent upon the direction of the Committee, the Tahsildar, Mysore Taluk, passed an order on 07.08.2019 cancelling the caste certificate bearing No.RD0038882579597 dated 12.09.2016 and 3087/89-90. Pursuant to the aforesaid orders, the respondent No.7 the employer of the petitioner passed an order on 26.08.2019 dismissing the petitioner from the railway services with immediate effect.

3. Aggrieved by the orders passed by the District Caste Verification Committee and the order passed by the Tahsildar, the petitioner had filed an appeal under Section 4-D of the Karnataka Scheduled Castes, Scheduled Tribes and Other Backward Classes (Reservation of Appointments etc.,) Act, 1990, before the respondent No.2. The respondent No.2 has concurred with the decision of the Committee and dismissed the appeal by order dated 30.09.2023.

4. The grounds urged by the petitioner in support of challenge to the impugned orders are that the orders impugned are passed in violation of the principles of natural justice, the petitioner has been working as permanent employee in the 7th respondent establishment from 13.07.1979 and was dismissed from service on 26.08.2019 after 40 years from the date of appointment and without conducting any enquiry. The caste certificate dated 12.09.2016 has been issued by the Competent Authority taking note of the caste of the ancestors of the petitioner, which could not have been cancelled despite there being a report from the Tahsildar that the petitioner belongs to Adi-Dravida caste. It is also contended that the father of the petitioner was an employee of 7th respondent and he has attained the age of superannuation on 28.11.1978 and died on 06.05.1982.

5. The writ petition was opposed by respondent Nos.1 to 6 and 8 contending that the parents of the petitioner have migrated from the State of Tamil Nadu and their caste is Mudaliar. In the school records of the

petitioner, the caste is mentioned as Mudaliar. Even the caste of brother and the sister of the petitioner is also mentioned as Mudaliar in the school records. When that being the position, on the basis of the false and incorrect documents, the petitioner had applied for issue of caste certificate and obtained the same from the office of the Tahsildar, Mysore Taluk.

6. It is the contention of respondent Nos.1 to 6 and 8 that the District Caste Verification Committee after obtaining report from the Officers concerned have come to the conclusion that the caste certificate obtained by the petitioner is on the basis of false and incorrect information and false documents. The petitioner had every opportunity before the District Caste Verification Committee to prove his caste as Adi-Dravida, however, no documents have been produced to establish his caste as Adi-Dravida and therefore, the Committee, so also the Tahsildar are justified in passing the impugned orders.

7. Along with the statement of objections, respondent Nos.1 to 6 and 8 have produced the copy of

the school transfer certificate of the petitioner, which is dated 11.06.1969, in which the caste of the petitioner is depicted as Mudaliar. Similarly, the transfer certificate of brother of the petitioner Sri C.Karunakara is also produced, which is dated 10.04.1969, which also depicts the caste of the brother of the petitioner as Mudaliar. The respondents have also produced the application for admission of the sister of the petitioner to the school which is dated 24.06.1963, in which also the caste of sister of the petitioner is depicted as Mudaliar. The said application is signed by the father of the petitioner Sri V.M.Chandragasan. It is contended that these documents are of the year 1969. At an undisputed point in time, the caste of his brother and sister are clearly shown as Mudaliar.

8. The respondent Nos.1 to 6 and 8 have also produced the copy of the Communication dated 07.02.2018 addressed by the South Western Railway to the Secretary, Additional Director General of Police, CRE Cell, informing that the petitioner and his brother have

given the caste certificate as Adi-Dravida, Hindu - Scheduled Caste. It is also stated in the said communication that the father of the petitioner Sri V.M.Chandragasa was also an employee of the Railway Department who died while in service. However, he did not claim the benefit of Scheduled Caste during his service. It is also informed that Sri Thandavamurthy who is the elder brother of the petitioner was also an employee of railway who had opted for voluntary retirement from service. However, he did not claim the reservation as Scheduled Caste. In the seniority list of the said employee, it is mentioned as 'other caste'. In the light of the aforesaid reports and the available documents, the contention of the petitioner that he belongs to Scheduled Caste cannot be accepted.

9. I have heard the learned counsel for the petitioner and learned counsel appearing for respondent Nos.1 to 6 and 8 and perused the material on record.

10. Reiterating the contentions urged in the averments made in the writ petition, learned counsel for the petitioner submits that while submitting the report, the Police Inspector, CRE Cell, has made a reference to the report of the Tahsildar dated 06.12.2018, wherein an erroneous information has been furnished regarding the caste of the petitioner contrary to the caste certificate dated 12.09.2016 and it is based on such an erroneous information and the report submitted by the Tahsildar, all the Authorities have blindly proceeded to hold that the petitioner belongs to Mudaliar and not Adi-Dravida. Therefore, the orders impugned are liable to be set at naught.

11. Learned counsel for the petitioner by placing reliance on the Caste Certificates obtained by the sisters and the brothers of the petitioner, so also mother of the petitioner contended that, in all the Caste Certificates, the caste of relatives of the petitioner has been certified as Adi-Dravida and therefore, the finding recorded by all the Authorities regarding the caste of the petitioner is

erroneous, arbitrary, illegal and liable to be set aside. The learned counsel for the petitioner has also placed reliance on the affidavit dated 15.09.1976 stated to have been submitted by the father of the petitioner claiming that he belongs to Adi-Dravida caste. In addition, it is pointed out that in a registered document dated 08.04.1925 the caste of the maternal grandfather of the petitioner i.e., Sri K.Mahadevan has been shown as Adi-Dravida. Therefore, the said document is the best piece of evidence to demonstrate the caste of the petitioner as Adi-Dravida and not Mudaliar as held by the Authorities and sought for allowing of the writ petition and set aside all the impugned orders.

12. Per contra, learned counsel appearing for respondent Nos.1 to 6 and 8 has reiterated the contentions urged in the statement of objections, which has been recorded in the earlier part of this order. In addition, learned counsel for respondent Nos.1 to 6 and 8 has relied upon the following judgments in support of the said contention.

1) ***K.D. Sharma Vs. Steel Authority of India Ltd. & Others-(2008) 12 SCC 481***

2) ***State of Maharashtra Vs. Milind - AIR (2001) SC 393***

3) ***Director of Tribal Welfare, Government of A.P. Vs. Laveti Giri & Another - (1995) 4 SCC 32***

4) ***Raju Ramsingh Vasave Vs. Mahesh Deorao Bhivapurkar & Others- (2008) 9 SCC 54***

5) ***State of Maharashtra & Others Vs. Ravi Prakash Babulalsingh Parmar and another - (2007) 1 SCC 80***

6) ***Bank of India & Another Vs. Avinash D Mandivikar & Others - (2005) 11 SCC 690***

7) ***Anjan Kumar Vs. Union of India- AIR 2006 SC 117***

8) ***R. Vishvanath Pillai Vs. State of Kerala - 2004 (2) SCC 105***

12.1 The Hon'ble Supreme Court in the case of ***K.D. Sharma Vs. Steel Authority of India Ltd. & Others***[1] at paragraph No.39 held as under:

> *"39. If the primary object as highlighted in Kensington Income Tax Commrs. [(1917) 1 KB 486 : 86 LJKB 257 : 116 LT 136 (CA)] is kept in mind, an applicant who does not come with candid facts and "clean breast" cannot hold a writ of the court with "soiled hands". Suppression or concealment of material facts is not an advocacy.*

[1] *(2008) 12 SCC 481*

It is a jugglery, manipulation, manoeuvring or misrepresentation, which has no place in equitable and prerogative jurisdiction. If the applicant does not disclose all the material facts fairly and truly but states them in a distorted manner and misleads the court, the court has inherent power in order to protect itself and to prevent an abuse of its process to discharge the rule nisi and refuse to proceed further with the examination of the case on merits. If the court does not reject the petition on that ground, the court would be failing in its duty. In fact, such an applicant requires to be dealt with for contempt of court for abusing the process of the court."

12.2 The Hon'ble Supreme Court in the case of ***State of Maharashtra v. Milind***[2] at paragraph No.36 held as under:

"36. In the light of what is stated above, the following positions emerge:

3. A notification issued under clause (1) of Article 342, specifying Scheduled Tribes, can be amended only by law to be made by Parliament. In other words, any tribe or tribal community or part of or group within any tribe can be included or excluded from the list of Scheduled Tribes issued under clause (1) of Article 342 only by Parliament by law and by no other authority.

4. It is not open to State Governments or courts or tribunals or any other authority to modify, amend or alter the list of Scheduled Tribes

[2] (2001) 1 SCC 4

specified in the notification issued under clause (1) of Article 342."

12.3 The Hon'ble Supreme Court in the case of ***Director of Tribal Welfare, Govt. of A.P. v. Laveti Giri***[3] at paragraph No.4 held as under:

"4. It is contended by Shri Prabhakar, learned counsel for the appellants that the High Court was not right in relying on the documents produced by the respondent without any proof. The father did not appear to explain the circumstances under which he had the status of Scheduled Tribe. The certificate from Tehsildar of the nativity criteria is discernible from the brochure of the University. University is required to call upon the candidate to produce the required social status certificate, when a candidate's claim is founded upon such a social status. Relevant rules or orders issued by the Government in Social Welfare Department prescribed the procedure in that behalf. The High Court wrongly caused the burden of proof on the Department when it squarely rested upon the candidate to prove his caste/tribe according to the procedure prescribed under the rules. It is the duty of the certificate-issuing authority to satisfy himself after due verification whether the candidate belongs to Scheduled Caste or Scheduled Tribe, satisfies the criteria

[3] (1995) 4 SCC 32

prescribed by the Government. Though the father managed to gain social status as Tribe falsely and wrongfully, and unconstitutionally is in enjoyment of the benefit of employment as a tribe, it is not conclusive. It is not uncommon to corner such benefits because of connivance of officers and it is a known fact that the tribe of such officers has grown over years because the social crimes committed by them is either ignored by the superiors of their class or because they have a protective umbrella from their higher-ups. The learned Single Judge has rightly taken the relevant factors into consideration to dismiss the writ petition. Shri Y. Prabhakar Rao, the learned counsel for the respondent vehemently contended that the view of the Division Bench of the High Court is quite legal and justifiable on the facts. The candidate does not know from which officer he has to obtain the social status certificate. The brochure indicates that the certificate from a Tehsildar is sufficient. It does not show that the Tehsildar of the nativity was required to issue the certificate. The father of the respondent being already in enjoyment of the status as Kondakapu in government service, it is an important conclusive material to decide the issue. The Director, therefore, was not correct in rejecting the social status. The Single Judge had committed an error in relying upon the report of the Director. Having given our anxious consideration, we are of the view that the Division Bench has succumbed to the fraud played by the respondent and his father

to secure false social status as Kondakapu while they are Kapus by caste, a forward caste in Andhra Pradesh."

12.4 The Hon'ble Supreme Court in the case of ***Raju Ramsing Vasave v. Mahesh Deorao Bhivapurkar***[4] at paragraph No.27 held as under:

"27. We do not mean to suggest that an opinion formed by the Committee as regards the caste of the near relative of the applicant would be wholly irrelevant, but, at the same time, it must be pointed out that only because, by mistake or otherwise, a member of his family had been declared to be belonging to a member of the Scheduled Tribe, the same by itself would not be conclusive in nature so as to bind another committee while examining the case of other members of the family in some detail. If it is found that in granting a certificate in favour of a member of a family, vital evidences had been ignored, it would be open to the Committee to arrive at a different finding."

12.5 The Hon'ble Supreme Court in the case of ***State of Maharashtra v. Ravi Prakash Babulalsing Parmar***[5] at paragraph No.23 held as under:

[4] (2008) 9 SCC 54

> *"23. The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter."*

12.6 The Hon'ble Supreme Court in the case of ***Bank of India v. Avinash D. Mandivikar***[6] at paragraph No.11 held as under:

> *"11.16[18]. In Lazarus Estates Ltd. v. Beasley [(1956) 1 QB 702 : (1956) 1 All ER 341 : (1956) 2 WLR 502 (CA)] Lord Denning observed at QB pp. 712 and 713 : (All ER p. 345-C)*

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[5] (2007) 1 SCC 80

[6] (2005) 7 SCC 690

> *'No judgment of a court, no order of a minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything.'*
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> *In the same judgment Lord Parker, L.J. observed that fraud vitiates all transactions known to the law of however high a degree of solemnity. (p. 722)"*

12.7 The Hon'ble Supreme Court in the case of **R. Vishwanatha Pillai v. State of Kerala**[7] at paragraph Nos.15 & 19 held as under:

> *"15. This apart, the appellant obtained the appointment in the service on the basis that he belonged to a Scheduled Caste community. When it was found by the Scrutiny Committee that he did not belong to the Scheduled Caste community, then the very basis of his appointment was taken away. His appointment was no appointment in the eye of the law. He cannot claim a right to the post as he had usurped the post meant for a reserved candidate by playing a fraud and producing a false caste certificate. Unless the appellant can lay a claim to the post on the basis of his appointment he cannot claim the constitutional guarantee given under Article 311 of the Constitution. As he had obtained the appointment on the basis of a false caste*

[7] (2004) 2 SCC 105

certificate he cannot be considered to be a person who holds a post within the meaning of Article 311 of the Constitution of India. Finding recorded by the Scrutiny Committee that the appellant got the appointment on the basis of a false caste certificate has become final. The position, therefore, is that the appellant has usurped the post which should have gone to a member of the Scheduled Castes. In view of the finding recorded by the Scrutiny Committee and upheld up to this Court, he has disqualified himself to hold the post. The appointment was void from its inception. It cannot be said that the said void appointment would enable the appellant to claim that he was holding a civil post within the meaning of Article 311 of the Constitution of India. As the appellant had obtained the appointment by playing a fraud, he cannot be allowed to take advantage of his own fraud in entering the service and claim that he was holder of the post entitled to be dealt with in terms of Article 311 of the Constitution of India or the Rules framed there under. Where an appointment in a service has been acquired by practicing fraud or deceit, such an appointment is no appointment in law, in service and in such a situation Article 311 of the Constitution is not attracted at all.

19. It was then contended by Shri Ranjit Kumar, learned Senior Counsel for the appellant that since the appellant has rendered about 27 years of service, the order of dismissal be substituted by an order of compulsory retirement or removal from

service to protect the pensionary benefits of the appellant. We do not find any substance in this submission as well. The rights to salary, pension and other service benefits are entirely statutory in nature in public service. The appellant obtained the appointment against a post meant for a reserved candidate by producing a false caste certificate and by playing a fraud. His appointment to the post was void and non est in the eye of the law. The right to salary or pension after retirement flows from a valid and legal appointment. The consequential right of pension and monetary benefits can be given only if the appointment was valid and legal. Such benefits cannot be given in a case where the appointment was found to have been obtained fraudulently and rested on a false caste certificate. A person who entered the service by producing a false caste certificate and obtained appointment for the post meant for a Scheduled Caste, thus depriving a genuine Scheduled Caste candidate of appointment to that post, does not deserve any sympathy or indulgence of this Court. A person who seeks equity must come with clean hands. He, who comes to the court with false claims, cannot plead equity nor would the court be justified to exercise equity jurisdiction in his favour. A person who seeks equity must act in a fair and equitable manner. Equity jurisdiction cannot be exercised in the case of a person who got the appointment on the basis of a false caste certificate by playing a fraud. No sympathy and equitable consideration can come to his

rescue. We are of the view that equity or compassion cannot be allowed to bend the arms of law in a case where an individual acquired a status by practicing fraud."

12.8 The Hon'ble Division Bench in the case of **Smt. Jayashree V. The Director Collegiate Education**[8] at paragraph No.13 held as under:

"13. On going through the above said paragraph, therein it has been specifically observed that, if a person obtains a false certificate and gets an appointment, it would be like allowing a thief to retain the stolen property. In that light also the contention taken up by the learned counsel for the petitioner does not hold any water. When the petitioner has taken the benefit on a false certificate, then it cannot be held that the said candidate is fit to hold the post which is reserved for the said category. Even the cancellation of the Caste Certificate has attained finality and even the said order has not been challenged. Under the said facts and circumstances, the contention of the petitioner that she ought not to have been terminated and the benefit of the circular or an order of the appointment could have been given is not acceptable."

[8] Writ Petition No.101462/2018

13. By relying upon the aforesaid judgments and the law laid down by the Hon'ble Apex Court, so also by this Court, learned counsel for respondent Nos.1 to 6 and 8 submits that the petitioner has failed to prove his caste as Adi-Dravida beyond all reasonable doubts and the documents produced along with the statement of objections, which were existed at an undisputed point in time, which are all official documents clearly demonstrate that the petitioner, his brother and sister, so also his father are belonged to the caste Mudaliar, not Adi-Dravida. Even assuming for the sake of argument that the caste Mudaliar is considered to be a scheduled caste in the State of Tamil Nadu, that itself would not enable the petitioner to claim reservation as scheduled caste in the State of Karnataka. If there is a migration from one State to another State, even if in the parent State, the caste of the particular individual is considered as scheduled caste, the same benefit cannot be conferred in the migrated State.

14. It is the submission of the learned counsel that by obtaining false caste certificate, the petitioner got an appointment in the 7th respondent establishment, which resulted in depriving another eligible scheduled caste candidate from being appointed in the 7th respondent establishment. If a person who has obtained the false certificate gets an appointment and if he is permitted in the employment, it would lead to allowing a thief to retain the stolen property, which would be contrary to the intent of the Constitution and the reservation policy.

15. On consideration of the averments made in the writ petition, so also the contentions urged in the statement of objections and the oral submissions of the respective parties and the law laid down by the Hon'ble Apex Court in the afore cited decisions, this Court is of the opinion that the petitioner has failed to prove his caste as Adi-Dravida by producing cogent documentary evidence either before the Authorities concerned or before this Court. The detailed report submitted by the Inspector of Police, Civil Rights Enforcement Directorate, at

Annexure-C to the writ petition records a clear finding based on the family history of the petitioner and the school records that the original caste of the petitioner's ancestors is Mudaliar. However, at a later point in time, the petitioner and his brother started claiming that they belong to Adi-Dravida and obtained caste certificates. The petitioner has not demonstrated by producing cogent legally acceptable official documents to disprove the contents of the report dated 17.12.2018 at Annexure-C. The subsequent order of the District Caste Verification Committee and the order passed by the 2nd respondent-Commissioner for Social Welfare Department, is completely based on the factual finding recorded by the Investigation Officer and so also the documents placed before the respective authorities.

16. Apart from relying upon the caste certificates obtained, the petitioner has miserably failed to establish his caste as Adi-Dravida. The reliance placed on the affidavit dated 15.09.1976 and the loan Mortgage Deed dated 08.04.1925 both of which are typed copies to

demonstrate that the father of the petitioner has filed an affidavit way back in the year 1976 claiming that he belonged to Adi-Dravida and the caste of the maternal grandfather of the petitioner has been indicated as Adi-Dravida Community in the Loan Mortgage Deed of the year 1925 cannot be accepted as a conclusive proof of the claim of the petitioner regarding the caste Adi-Dravida. It is because the said documents are not the certified documents and moreover, both the said documents are self-serving statements and not the official documents. Insofar as the Loan Mortgage Deed of the year 1925 is concerned, the said document appears to have been executed in the State of Tamil Nadu and even assuming that the caste of grandparents of the petitioner is Scheduled Caste in the State of Tamil Nadu, the petitioner cannot claim the said status in the migrated State i.e., the State of Karnataka.

17. Sub-section (5) of Section 4A of the Act imposes burden on the candidate or his parent or guardian belongs to scheduled caste, scheduled tribes or other

backward classes to prove their caste. As contended by the learned counsel for the petitioner, the issuance of caste certificate by the Tahsildar in the year 2016 is not a conclusive proof or a document, which cannot be disputed. It is for the reason that a doubt has arose regarding the caste claimed by the petitioner, the Committee constituted under Section 4C of the Act has considered the matter in order to examine the veracity of the claim made by the petitioner and the certificate issued by the Tahsildar under Section 4A of the Act.

18. It is in the said enquiry conducted by the Caste Verification Committee under Section 4C of the Act, it has come to light that the Caste Certificate of the year 2016 was obtained by furnishing incorrect information and therefore, the said certificate has been cancelled upon an enquiry. Therefore, no exception can be taken to the proceedings initiated by respondents Nos.1 to 6 and 8 and the consequential orders passed, which are impugned in the present writ petition. No grounds are made out to interfere with the impugned orders by exercise of

extraordinary jurisdiction under Article 226 of the Constitution of India.

19. In the result, the writ petition is ***dismissed*** as devoid of merits.

Sd/-
(T.P.VIVEKANANDA)
JUDGE

PB