

"CR"

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

WEDNESDAY, THE 15TH DAY OF SEPTEMBER 2021 / 24TH BHADRA, 1943

WP(C) NO. 29165 OF 2020

PETITIONER:

VINOD.K.S
AGED 45 YEARS, S/O. LATE SREEDHARAN,
THAZHATHU MANAKKAL HOUSE,
ARAKKULAM KARA, ARAKKULAM VILLAGE,
IDUKKI-685 591

BY ADVS.
BLAZE K.JOSE
SHRI.JUDY JOSE
SMT.URMILA ZACHARIA

RESPONDENTS:

- 1 STATE ELECTION COMMISSION
CORPORATION OFFICE COMPLEX,
LMS JUNCTION, PALAYAM,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY ITS SECRETARY.
- 2 THE DISTRICT COLLECTOR,
CIVIL STATION, PAINAVU,
IDUKKI DISTRICT-685 603.
- 3 TAHSILDAR,
IDUKKI TALUK OFFICE, VANCHIKAVALA,
CHRUTHONI, IDUKKI-685 602
- 4 VILLAGE OFFICER
IDUKKI VILLAGE OFFICE,

PAREMMAVU, IDUKKI-685 602.

5 AEO,
ARAKKULAM, RETURNING OFFICER,
ARAKKULAM GRAMA PANCHAYATH,
ARAKKULAM, IDUKKI DISTRICT, 685 591.

6 SINDHU P.S,
W/O. SANISH JAMES,
PLAKKAL HOUSE, URUMBULLU,
KULAMAVU, IDUKKI-685 601

BY ADVS.

SRI KODOTH SREEDHARAN

SRI.P.K.RAVI SANKAR

SHRI.DEEPU LAL MOHAN, SC, ELECTION COMMISSION OF INDIA

BY SR. GOVERNMENT PLEADER SMT.DEEPA NARAYANAN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 10.08.2021, ALONG WITH WP(C).29210/2020, THE
COURT ON 15.09.2021 DELIVERED THE FOLLOWING:**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

WEDNESDAY, THE 15TH DAY OF SEPTEMBER 2021 / 24TH BHADRA, 1943

WP(C) NO. 29210 OF 2020

PETITIONER:

SINDHU P.S.
AGED 25 YEARS, D/O. SELVAKANNI,
PLAKKAL HOUSE, KULAMAVU POST,
IDUKKI DISTRICT-685 601

BY ADVS.
P.K.RAVISANKAR
SRI.M.K.THANKAPPAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
SCHEDULED CASTE DEVELOPMENT DEPARTMENT,
THIRUVANANTHAPURAM
- 2 THE DISTRICT COLLECTOR,
IDUKKI, CIVIL STATION,
PAINAVU P.O., IDUKKI-685 603
- 3 THE TAHSILDAR,
TALUK OFFICE, IDUKKI,
IDUKKI COLONY P.O., CHERUTHONI
IDUKKI DISTRICT-685 602
- 4 KERALA STATE ELECTION COMMISSION,
REPRESENTED BY ITS SECRETARY,
JANAHITHAM TC-27/6(2),
VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033

- 5 ASSISTANT EDUCATIONAL OFFICER/RETURNING OFFICER,
ARAKULAM, IDUKKI DISTRICT-685 588
- 6 ARAKULAM GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY,
ARAKULAM, IDUKKI DISTRICT-685 588
- 7 EMMANUEL C.S.,
AGED ABOUT 55 YEARS
S/O. SIMON, CHERUVALLATH HOUSE,
PRESIDENT, INDIAN NATIONAL CONGRESS (I),
ARAKULAM MANDALAM COMMITTEE,
ARAKULAM P.O., IDUKKI DISTRICT-685 588
- 8 *ADDL. R8 IS IMPEADED
VINOD.K.S.,
AGED 45 YEARS, S/O.LATE SREEDHARAN,
THAZHATHU MANAKKAL HOUSE,
ARAKKULAM KARA, ARAKKULAM VILLAGE,
IDUKKI- 685591

*ADDL.R8 IS IMPEADED AS PER ORDER DATED 06-08-2021
IN I.A. NO.1/2021 IN WP(C) 29210/2020

BY ADVS.
SRI KODOTH SREEDHARAN
SHRI.DEEPU LAL MOHAN, SC, ELECTION COMMISSION OF
INDIA
SRI NIVEA LIZ PETER FERNANDEZ
SRI JUDY JOSE
SMT. URMILA ZACHARIA

SR. GOVERNMENT PLEADER SMT.DEEPA NARAYANAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10.08.2021, ALONG WITH WP(C).29165/2020, THE COURT ON
15.09.2021 DELIVERED THE FOLLOWING:

T.R.RAVI,J.

"CR"

W.P.(C)Nos. 29165 & 29210 of 2020

Dated this the 15th day of September, 2021

JUDGMENT

The issues involved in the two writ petitions are intrinsically connected and are hence heard and disposed of together. The pleadings in the two writ petitions, in short, are as below:

W.P.(C)Nos.29210/2020

2. The petitioner claims to be a member of the Hindu Pallan community, which is a Scheduled Caste. She was duly elected as a member of Ward No.5 of Arakulam Grama Panchayat in the general election to the Local Bodies held on 08.12.2020. The post of President of the Arakulam Grama Panchayat was reserved for persons belonging to Scheduled Caste communities. The petitioner proposed to contest for the post of President, the election to which was scheduled to be held on 30.12.2020. The 3rd respondent had issued certificate No.818/20 on 17.12.2020 under Rule 4 of the

Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificate Rules, 2002 (hereinafter referred to as the Rules for short), showing the status of the petitioner as a member of the Hindu Pallan community. On 23.12.2020, the 3rd respondent issued order No.A2-818/20(ii) whereby the certificate granted on 17.12.2020 was provisionally withdrawn stating that the petitioner had converted to Christianity in 2008 and that she was wrongly granted the certificate. The writ petition is hence filed alleging that the order withdrawing the community certificate issued to the petitioner would exclude the petitioner from contesting the election to the post of President of Arakulam Grama Panchayat. It is contended that the order withdrawing the certificate has been issued in violation of the provisions of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificate Act, 1996 (hereinafter referred to as the Act for short) and the Rules made thereunder.

WP.(C)No..29165/2020

3. The petitioner belongs to Hindu Velan community which is

a Scheduled Caste community. The petitioner is the elected member of Ward No.2 (Kavumpady) of Arakulam Grama Panchayat, which is the only Ward reserved for candidates belonging to Scheduled Castes community in the Panchayat. The post of President of the Arakulam Grama Panchayat is reserved for Scheduled Caste community as per Section 153(3) of the Kerala Panchayat Raj Act. The petitioner is the only candidate who belongs to the Scheduled Caste community who is eligible to be elected as the President of Arakulam Grama Panchayat. The petitioner came to know that on an application submitted by the 6th respondent (petitioner in WP. (C)No. 29210/2020) for a community certificate on 17.12.2020, she had been issued with such a certificate. The petitioner filed Ext.P1 complaint on 21.12.2020. The 3rd respondent is stated to have initiated an enquiry proceedings and a notice No.A2-818(A)/2020 is said to have been issued on 21.12.2020 to the 6th respondent directing her to surrender the certificate that has been obtained. It is stated that on the same day he had filed a complaint before respondents 1, 3 and 5 stating that the 6th respondent has obtained

the community certificate by fraud and is not entitled to contest to the post of President. It is further stated that respondents 2 and 3 had called for a report from the 4th respondent Village Officer who had conducted a detailed enquiry and submitted Ext.P6 report before the 4th respondent stating that the certificate is liable to be cancelled. On 24.12.2020, the petitioner had submitted a complaint before the 1st respondent requesting not to proceed with the candidature of the 6th respondent as President of the Panchayat, since she did not belong to Scheduled Caste community.

4. The petitioner in WP.(C)No.No.29165/2020 has filed I.A.No.1/2021 in WP.(C)No.No.29210/2020 seeking to get impleaded in the writ petition. The petition was allowed by this Court on 06.08.2021 by impleading him as additional 8th respondent. He has thereafter filed a counter affidavit in the writ petition wherein it is stated that he was under the bonafide belief that the complaint filed by him and the report of the Village Officer would have been forwarded to the Revenue Divisional Officer and to the Scrutiny Committee which is the body which has to consider issues relating to

the caste/community status. According to him, no proceedings have been initiated owing to Covid-19 lockdown. The petitioner in WP.(C)No.29210/2020 has filed a counter affidavit in WP.(C)No. 29165/2020 producing 7 documents to show that she belongs to Scheduled Caste community Hindu Pallan and that she is not a Christian. Ext.R6(a) produced along with the counter affidavit is the community certificate issued on 17.12.2020 showing that the petitioner belongs to Hindu Pallan community. Ext.R6(b) is the representation submitted by the 6th respondent in reply to Ext.P3 notice dated 21.12.2020 issued by the Tahsildar, directing her to come over to the office on 23.12.2020 along with the certificate issued, for a hearing proposed to be held. Exts.R6(c) and R6(d) are communications relating to the above issue. Ext.R6(e) is the marriage certificate showing that the 6th respondent was married to one Saneesh under the Special Marriage Act. The certificate was issued on 11.3.2015. Ext.R6(f) is the certificate issued to the 6th respondent's father on 30.05.2010 which shows that the 6th respondent and her family belong to Hindu Pallan community.

Ext.R6(g) is the Secondary School Leaving Certificate of the 6th respondent which also shows that she belongs to Hindu Pallan community. The 3rd respondent in WP.(C)No.29165/2020 has filed a counter affidavit wherein it is stated that the 6th respondent had after her marriage embraced Christianity and got baptised in 2008 and is following Christian beliefs and customs and that she had changed her name as Sincy. It is further submitted that the respondents are taking legal steps against the 6th respondent for having fraudulently obtained a community certificate suppressing material facts and by misrepresentation that she belongs to Scheduled Caste. It is further stated that the 3rd respondent is not empowered to cancel the community certificate which he himself has issued, which is the reason why the certificate has only been temporarily withdrawn by him. The petitioner in WP. (C)No.29165/2020 has thereafter filed I.A.No.1/2021 seeking to amend the writ petition by incorporating a prayer for a direction to respondents 2 and 3 to forward Ext.P9 order and all connected records and files to the Scrutiny Committee and for a further

direction to the Scrutiny Committee to consider Ext.P12 complaint on the basis of Ext.P9 and connected records and to take a final decision.

5. Sri P.K.Ravisankar appearing for the petitioner in W.P.(C)No.29210/2020, who is the 6th respondent in the other writ petition, contended that the show cause notice issued by the 3rd respondent directing the petitioner to appear for a hearing on 23.12.2020 states about the report of the Village Officer, Idukki which was not even served on the petitioner. He further refers to Rule 4(2) to submit that there was no power to "temporarily withdraw" the certificate which has been issued. Referring to Ext.P6 in W.P.(C)No.29165/2020, it is submitted that the report of the Village Officer, Idukki would show that there was conversion when the petitioner was 13 years of age, that subsequently she was removed from the Church register and that her name was changed to Sincy as per the baptism records of the Church. The counsel submits that the petitioner did not even get an opportunity to submit her response to the contents of the report. The counsel referred to

Section 2(d) of the Act which defines "Competent Authority" to mean any officer or authority authorised by the Government by any notification to perform the functions of the competent authority under the Act for such areas or for such purposes as may be specified in the notification. Section 2(g) defines "Expert Agency" to mean an officer or team of officers belonging to the Anthropological Wing in the KIRTADS. Section 2(n) defines Scrutiny Committee to mean a Committee constituted by the Government by notification under Section 8 to perform the functions of the Scrutiny Committee under the Act for such areas or for such purpose as may be specified in the notification. Section 5 says that community certificate is to be issued only by the competent authority. Section 8 deals with constitution of Scrutiny Committee for verification of community certificates. Section 11(1) deals with cancellation of false community certificate issued and it reads thus;

11. Cancellation of false community certificate. -

(1) Where, before or after the commencement of this Act, a person not belonging to any of the Scheduled Castes or the Scheduled Tribes has obtained a false community certificate

to the effect that either himself or his children belongs or belong to such Caste or the Tribe, the Scrutiny Committee may either *suo motu* or on a written complaint or report by any person or authority, call for the records and enquire into the correctness of such certificate and if it is of the opinion that the certificate was obtained fraudulently, it shall, by order, cancel the certificate after giving the person concerned an opportunity of making a representation, if any.

(2) xxxxx xxxxx xxxxx

(3) xxxxx xxxxx xxxxx

(4) xxxxx xxxxx xxxxx

6. Rule 4 of the Rules which is referred above reads as follows;

4. Issuance of Community Certificates

(1) If upon such enquiry, as it may deem fit, the Competent Authority is satisfied that the particulars furnished in the application are correct and if it is found that the applicant belongs to the Scheduled Caste or the Scheduled Tribe as claimed by him, a Certificate in Form No.III shall be issued to the applicant within seven days from the date of receipt of the application.

(2) If, on enquiry it is found that the claim of the applicant is not genuine and that the applicant does not belong to the Scheduled Caste or Scheduled Tribe, as the

case may be, the application shall be rejected, recording in writing the reasons therefor and the applicant shall be informed accordingly.”

7. Section 12 of the Act contains provisions for appeal and review. As per Section 12(1), any person aggrieved by an order passed under sub-section (1) of Section 5 by the Competent Authority rejecting an application made to it under Section 4 may, within thirty days from the date of receipt of such order, appeal to the next higher Competent Authority. The above provision does not deal with filing of an appeal by an aggrieved person against the grant of a community certificate. Section 12(2) says that where the Competent Authority rejecting the application for community certificate is the District Collector, the person aggrieved by the said decision may within fifteen days from the date of receipt of the order of the District Collector, appeal to the Government and the Government may after giving the appellant an opportunity of being heard, confirm the order of the District Collector or arrange for an enquiry through the Expert Agency and issue appropriate orders or directions on the basis of the expert report.

8. A review petition can be preferred with the Government under Section 12(4), whereby any person aggrieved by an order passed by the Government under Section 11(2) may seek review of the order. The contention of the counsel is that having regard to the statutory provisions, there is no power available to the 3rd respondent to withdraw a certificate which has already been issued. Reference is also made to Rule 9 of the Rules. Rule 9 lays down the procedure to be followed by the Scrutiny Committee for verification of the community certificate. A detailed procedure has been laid down regarding enquiry to be conducted into the community status. The counsel referred to the judgment of a Division Bench of this Court in **Vijayan P.S. & Ors. v. State of Kerala and Ors.** reported in **[2013 (2) KLT 488]**. The Division Bench considered the question whether community certificate issued by the competent authority can be cancelled under Section 11 of the Act, on the mere finding that the person in whose favour the certificate was issued does not belong to Scheduled Caste or Scheduled Tribe community. The Court held that cancellation of a false community certificate

requires the Scrutiny Committee to apply its mind to (i) whether the false community certificate was issued by the Competent Authority to a person not belonging to a Scheduled Caste, (ii) whether such person had obtained fraudulently a false community certificate either for himself or for his children and before cancelling a false community certificate, the person concerned should be given an opportunity for making representation to the Scrutiny Committee. The Scrutiny Committee will have to render specific findings on such facts. Section 11 is the only provision in the Act dealing with cancellation of a false community certificate, which includes a certificate fraudulently obtained. It is hence submitted that the order of the 3rd respondent whereby the certificate which was already issued has been withdrawn is not legally correct and is liable to be set aside. The Division Bench had also found that till the community certificate is cancelled in accordance with law, it remains valid. The only other provision which deals with cancellation of a certificate is Section 8(a) of the Act, which says that where, on verification, the Scrutiny Committee finds that community certificate

issued is not genuine, it shall cancel the same. The said provision does not apply to false community certificates, but to bogus or fake community certificates which are not genuine.

9. Sri Blaze K.Jose, appearing for the petitioner in WP. (C)No.29165/2020 submits that the principle "fraud will vitiate everything" will apply to the facts of this case. According to him, when there is an element of fraud, the statutory provisions relating to cancellation will not have a role. Reference is made to several decisions to submit that fraud is always an exception to such cases. Relying on the report of the Village Officer, Idukki, it is contended that there has been a baptism in 2008 whereby the 6th respondent converted into Christianity and thereafter she had married a Christian and changed the name. Even though it is stated that she was expelled from the Church that does not in any way mean that she ceased to be a Christian; is the contention.

10. Sri Blaze K.Jose relied on the decision of the Hon'ble Supreme Court in **A.P. State Financial Corporation Ltd. v. M/s. Gar Re-rolling Mills and Anr.** reported in **[1994 (2) SCC 647]** to

contend that the role of a court of equity exercising the equitable jurisdiction under Article 226 of the Constitution of India should be to prevent perpetration of a legal fraud and the Court is obliged to do justice by promotion of good faith. In the above case, the Hon'ble Supreme Court was considering the power of the State Financial Corporation to invoke Section 29 of the State Financial Corporation Act in a case where they had already obtained a decree under Section 31 of the Act. It was while considering the above issue that the Court observed that there can be no interference at the instance of a person who had attempted to evade the action.

11. The counsel relied on the decision in **Chengalvaraya Naidu v. Jagannath and others** reported in **[AIR 1994 SC 853]** to contend that a judgment and decree obtained by fraud is a nullity and can be questioned even in collateral proceedings and that non-disclosure of relevant and material documents with a view to obtain advantage will amount to fraud. The Apex Court was considering an appeal from the judgment of the competent Civil Court, wherein it was found that a judgment had been obtained by playing fraud, after

a full-fledged trial. It was a case, in other words, where a fraud had been established before the Court.

12. Another decision relied on is **Indian Bank v. Satyam Fibres (India) Pvt. Ltd.** reported in **[1996 (3) SCC 550]**. In the said case, the question was whether the National Commission under the Consumer Protection Act had power to review its order on the ground of fraud and forgery. It was a case where a petition had been filed before the National Commission seeking review. The Court held that there is an inherent power to recall an order **if it is** found to be obtained by fraud or forgery. The Court further held that the National Commission in such a case was bound to go into the question of allegation of fraud/forgery. In the said case, the Hon'ble Supreme Court itself went into the facts and found that there was forgery.

13. The next decision that is relied on is the one in **Indian National Congress (I) v. Institute of Social Welfare and Ors.** reported in **[2002 (2) KLT 548 (SC)]**. In the above said case, the Court was considering the question whether Election Commission

can de-register or cancel the registration of a political party on the ground that it had called for a 'hartal' by force, intimidation, or coercion and thereby violated the provisions of the Constitution of India. The Hon'ble Supreme Court considered the power of the Election Commission and held that what was exercised is a quasi judicial power and that once it is exercised, there is no power of review available with the Commission. The Court further added certain exceptions, one of which is that, if the registration was obtained by practicing fraud, the Election Commission can go into the issue. The Court specifically considered the application of Section 21 of the General Clauses Act and held that the said clause, which says that the power to issue would include the power to add, to amend, vary or rescind, will not apply in the case of quasi judicial orders. There again the Court had stated the exception of fraud, but did not go into the question as to how the fraud has to be established in a given case.

14. The next judgment that is relied on is **Devendra Kumar v. State of Uttaranchal and Ors.** reported in **[2013 (9) SCC**

363]. The said case related to a person who was found to have furnished false information while seeking employment by suppressing the fact that there was a criminal case against him. The employee was discharged immediately after he completed his training. The learned Single Judge of the High Court found on the basis of the pleadings and evidence, that there was suppression of material facts. The above finding was confirmed by the Division Bench of the High Court. The Hon'ble Supreme Court found that there was no material available before the Supreme Court, other than those which were available before the High Court, to take a view different from that of the High Court that there was suppression of material information. It was a case where the Court has specifically entered a finding on the factum of suppression and thereafter held that fraud will vitiate.

15. The counsel also relied on the decision of this Court in **Easwaranunni T. and Ors. v. State of Kerala and Ors.** reported in **[2020 (2) KLT 362]**. In the said decision, a learned Judge of this Court considered the difference between fraud on power that

vitiates an order and an order obtained by playing fraud on the authority. It was a case in which lands belonging to the petitioners were subject matter of proceedings under the Kerala Private Forests (Vesting and Assignment) Act, 1971, which ended in favour of the petitioners. The lands were restored to the petitioners. Thereafter the lands were notified under the Kerala Forest (Vesting and Management of Ecologically Fragile Lands) Act, 2003. The petitioners had approached the Custodian contending that the lands did not come under the definition of "ecologically fragile land" and the Custodian had passed orders holding that the lands cannot be included as ecologically fragile lands. However, the orders had been issued notifying the land under Section 5 of the Kerala Preservation of Trees Act. The writ petition was filed challenging the notification under the Kerala Preservation of Trees Act. Pending the writ petition, the successor in office of the Custodian issued orders revising the earlier order that the lands are not ecologically fragile lands. The said order was also challenged by amending the writ petition. It was contended on behalf of the State that the earlier order was obtained

by misrepresentation and non-disclosure of relevant facts and hence amounted to fraud and the authority was empowered to correct the order. After noticing the law regarding fraud, this Court held that when a quasi judicial power has been exercised, there was no power to revise or recall the order on merits, except on the ground of fraud. On the question of fraud, this Court held that mere non-disclosure of relevant facts will not constitute fraud and that it should be established that such non-disclosure was deliberate and that there was culpable mind involved. The Court finally quashed the order issued by the Custodian.

16. In Chapter XII of **Kerr on the Law of Fraud and Mistake, 7th Edition, Third Indian Reprint 2001 at page 669**, referring to an early decision, the author has stated thus "If fraud is not strictly and clearly proved, as it is alleged, relief cannot be had, although the party against whom relief is sought may not have been perfectly clear in his dealings (**Mowatt v. Blake (1858)31 LT 387**)"

17. It can be seen from the principles laid down in the above

judgments and the statement of law contained in the authoritative text referred above, that the law is well settled that fraud vitiates everything and that an order obtained by playing fraud is a nullity. However, the existence of fraud/misrepresentation/non-disclosure is a fact that will have to be established, and then alone the consequences referred above will follow.

18. In the case on hand, the order Ext.P5 does not conclusively find that there has been fraud. What is stated is that there was a complaint that the certificate issued to the petitioner was on misrepresentation which was enquired into by the Village Officer, Idukki, who has reported that the petitioner had converted into Christianity and hence the community certificate stating she belongs to Hindu Pallan community is wrongly issued. After stating about the above reports, the order further says that a detailed investigation is to be conducted into the issue and hence the certificate is "temporarily withdrawn". It cannot be said that by Ext.P5, the authority has reviewed its earlier order, on the ground of established fraud, and can be understood only as a withdrawal of an

order on allegations of fraud. It is in this context that the power under Section 11 of the Act has to be considered. Section 11 of the Act specifically contemplates such situations and empowers the Scrutiny Committee to go into the question whether the certificate was obtained fraudulently and to cancel the same if it is found to have been obtained fraudulently. Going by the statutory provisions and the decisions which say that fraud vitiates every action, it can be seen that a conclusion that an order has been obtained by fraud and that it is vitiated is possible only after an enquiry into the matter and such enquiry is very much within the powers available to the Scrutiny Committee and not to the person who has issued the certificate. It is not a case where an inherent power of review needs to be exercised, particularly since the power to cancel a false certificate has been specifically bestowed on the Scrutiny Committee created under the Statute, with all the necessary powers of enquiry. It is to be noticed that even the response filed on behalf of the State says that there is no power available in the statute to withdraw a community certificate which has been issued, by the officer who

issued the certificate. In the above circumstances, I am of the opinion that Ext.P5 is not legally sustainable.

19. Having said so, the issue cannot be left there. The Scrutiny Committee is said to be in seisin of the matter on the basis of a complaint which has been preferred by the petitioner in WP.(C)No.29165/2020. The Scrutiny Committee has to see that the enquiry is taken to its logical end and an order is issued on the question whether the certificate issued to the petitioner is liable to be cancelled as having been obtained fraudulently or not. It is hence only appropriate that a direction is issued to the Scrutiny Committee to consider the complaint filed by the petitioner in WP.(C)No.29165/2020 and pass orders thereon.

In the result, Ext.P5 order in W.P.(C)No.29210/2020 is quashed. There will be a direction to the Scrutiny Committee to consider the complaint filed by the petitioner in W.P.(C)No.29165/2020 regarding the caste status of the petitioner in W.P.(C)No.29210/2020 and pass orders thereon within two months from the date of receipt of a copy of this judgment. Needless to say,

the enquiry shall be with notice to the petitioners in both the writ petitions and after giving them an opportunity to put forward their respective claims. Going by the law laid down by the Division Bench of this Court in **Vijayan's case (supra)**, the certificate issued to the petitioner in W.P.(C)No.29210/2020 on 17.12.2020 will have to be considered to be valid till a specific finding regarding its falsity or otherwise is rendered by the Scrutiny Committee.

The writ petitions are disposed of as above. The parties will bear their respective costs.

Sd/-

**T.R.RAVI
JUDGE**

dsn

APPENDIX OF WP(C) 29165/2020

PETITIONERS' EXHIBITS

- EXHIBIT P1 A TRUE COPY OF THE COMMUNITY CERTIFICATE
ISSUED TO THE PETITIONER DATED 1.2.2018 BY
THE 3RD RESPONDENT.
- EXHIBIT P2 A TRUE COPY OF THE COMPLAINT DATED
21.12.2020 TO THE 3RD RESPONDENT.
- EXHIBIT P3 A TRUE COPY NOTICE NO. A2-818(A)/2020
DATED 21.12.2020 ISSUED BY THE 3RD
RESPONDENT.
- EXHIBIT P4 A TRUE COPY OF THE DETAILED OBJECTION
FILED BY THE PETITIONER DATED 23.12.2020
BEFORE THE 3RD RESPONDENT.
- EXHIBIT P5 A TRUE COPY OF THE COMPLAINT DATED
21.12.2020 SUBMITTED TO RESPONDENTS 1,2,4
AND 5.
- EXHIBIT P6 A TRUE COPY OF THE REPORT NO. 325/20 DATED
21.12.2020 SUBMITTED BY THE 4TH RESPONDENT
TO THE 3RD RESPONDENT.
- EXHIBIT P7 A TRUE COPY OF THE COMPLAINT SUBMITTED BY
THE PETITIONER TO THE 1ST RESPONDENT DATED
24.12.2020.
- EXHIBIT P8 THE NEWS REPORT IN MALAYALA MANORAMA DAILY
DATED 22.12.2020.
- EXHIBIT P9 THE TRUE COPY OF THE ORDER ISSUED BY THE
3RD RESPONDENT VIDE ORDER NO.A2-818/20(ii)
DATED 23.12.2020
- EXHIBIT P10 THE TRUE COPY OF COMPLAINT DATED
26.04.2021 BEFORE THE SCRUTINY COMMITTEE
HEADED BY THE SECRETARY TO GOVERNMENT,
SCHEDULED CASTES DEVELOPMENT DEPARTMENT

EXHIBIT P11	THE TRUE COPY OF THE COMPLAINT DATED 26.04.2021 BEFORE THE KERALA INSTITUTE FOR RESEARCH TRAINING AND DEVELOPMENT STUDIES OF SCHEDULED CASTES SCHEDULED TRIBES (KIRTADS)
EXHIBIT P12	THE TRUE COPY OF THE REMAINDER LETTER DATED 27.07.2021 BEFORE THE SCRUTINY COMMITTEE HEADED BY THE SECRETARY TO GOVERNMENT, SCHEDULED CASTES DEVELOPMENT DEPARTMENT
EXHIBIT P13	THE TRUE COPY OF THE REMAINDER DATED 27.07.2021 BEFORE THE DIRECTOR, KIRTADS DEPARTMENT
EXHIBIT P14	THE TRUE COPY OF THE REGISTERED POSTAL RECEIPTS DATED 27.07.2021
EXHIBIT P15	THE TRUE COPY OF THE ACKNOWLEDGEMENT CARD DATED 29.07.2021

RESPONDENTS' EXHIBITS

EXT.R6 (A)	TRUE COPY OF THE CERTIFICATE NO.818/2020 DATED 17.12.2020 ISSUED BY THE 3RD RESPONDENT
EXT.R6 (B)	TRUE COPY OF THE REPRESENTATION 22.12.2020 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
EXT.R6 (C)	TRUE COPY OF THE OBJECTION DATED 22.12.2020 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.3
EXT.R6 (D)	TRUE COPY OF THE ORDER NO.A2-818/20(ii) ON 23.12.2020 ISSUED BY RESPONDENT NO.3
EXT.R6 (E)	TRUE COPY OF THE CERTIFICATE OF MARRIAGE DATED 11.03.2015

W.P.(C)Nos. 29165 &
29210 of 2020

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EXT.R6 (F)

TRUE COPY OF THE CERTIFICATE ISSUED BY
TAHSILDAR, THODUPUZHA DATED 13.05.2010 AND
TYPED COPY

EXT.R6 (G)

TRUE COPY OF THE SECONDARY SCHOOL LEAVING
CERTIFICATE OF THE PETITIONER.

APPENDIX OF WP(C) 29210/2020

PETITIONERS' EXHIBITS

EXHIBIT P1	TRUE COPY OF THE CERTIFICATE NO.818/2020 DATED 17.12.2020 ISSUED BY THE 3RD RESPONDENT
EXHIBIT P2	TRUE COPY OF THE NOTICE NO.A2-818(A)/2020 DATED 21.12.2020 ISSUED BY THE 3RD RESPONDENT
EXHIBIT P3	TRUE COPY OF THE REPRESENTATION 22.12.2020 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
EXHIBIT P4	TRUE COPY OF THE OBJECTION DATED 22.12.2020 SUBMITTED BY THE PETITIONER BEFORE RESPONDENT NO.3
EXHIBIT P5	TRUE COPY OF THE ORDER NO.A2-818/20(ii) ON 23.12.2020 ISSUED BY RESPONDENT NO.3
EXHIBIT P6	TRUE COPY OF THE CERTIFICATE ISSUED BY TAHSILDAR THODUPUZHA DATED 13.05.2010
EXHIBIT P7	TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER