

Sa]lth K, vs State of Kerala,

Sa]lth K, vs State of Kerala,

SooperKanoon Citation : sooperkanoon.com/1364939

Court : Kerala

Decided On : Sep-14-2023

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/18243/2023

Appellant : Sa]lth K,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN THURSDAY, THE 14TH DAY OF SEPTEMBER 2023 / 23TH BHADRA, 1945 WP(C) NO. 18243 OF 2023 PETITIONERS: 1 SAJITH K, AGED 29 YEARS, SON OF SASIDHARAN IILIPADATH HOUSE, MATHOOR, ALATHUR PO, 2 SAJEEV.K AGED 32 YEARS, SON OF SASIDHARAN ILLIPADATH HOUSE, MATHOOR, ALATHUR PO BY ADVS. P.S.GEORGE ROY CHACKO RESPONDENTS: 1 STATE OF KERALA, REPRESENTED BY THE SECRETARY GENERAL EDUCATION DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001 2 THE JOINT COMMISSIONER, PAREEKSHA BHAVAN, THIRUVANANTHAPURAM

DISTRICT - 695001 3 THE HEADMASTER KELAPPAN MEMORIAL GOVT VHSS, THAVANUR, THAVAU PO, BY ADV. SRI. P.S.APPU, GP THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14.09.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: :2:

DEVAN RAMACHANDRAN, J.

=====

Dated this the 14th day of September, 2023

JUDGMENT

The requests of the petitioners, for correction of their school records based on Exts.P4 and P5 community certificates, are opposed by Sri.P.S.Appu - learned Government Pleader only to a limited extent, namely, that any such correction cannot alter the original endorsements, but can only be attached to the certificates. The learned Government Pleader relies upon Ext.R2(a) order of the Government dated 14.03.1984 in substantiation, pointing out that it is mandated therein that new caste can only be attached to the certificate, without altering the original one.

2. Sri.Roy Chacko - learned counsel for the petitioners,

however, submitted that the order referred to above is an old one; and that the position has now been altered by various judgments of this Court, including Ext.P9. He submitted that his clients are also identically situated as the petitioner in Ext.P9; and, therefore, that they are entitled to the benefit, as ordered therein.

3. I have considered the afore submissions and have also gone through Ext.P9 judgment, as also Ext.R2(a) Government order.

4. As I have already said above, the respondents do not :3: dispute the right of the petitioners to have their school records corrected; however, the only question is in what manner it should be done.

5. While the learned Government Pleader says that new caste can only be attached to the certificate, without altering the original endorsement; the petitioners seek that the records be suitably corrected.

6. When one reads Ext.P9 judgment, it is rendered limpid

that, in similarly stated circumstances, a learned Judge of this Court has directed that the school certificate should be corrected, without having the new caste attached to it in the manner as now asserted by the learned Government Pleader. In any event, I do not see why the learned Government Pleader should be concerned about the manner in which the school records are to be corrected, when he does not oppose such correction. In the afore circumstances, I allow this writ petition and direct the competent respondent to immediately cause necessary corrections to the petitioners' school records, namely Exts.P2 and P3, advertng to Exts.P6 and P8 applications, in terms of Ext.P9 judgment, as expeditiously as is possible, but not later than two months from the date of receipt of a copy of this judgment. For the afore purpose, the petitioners are hereby directed to :4: return Exts.P2 and P3 to the 2nd respondent for compliance of the afore directions, and the time frame above fixed will start from the date on which it is so done. Sd/-
DEVAN RAMACHANDRAN JUDGE anm :5: APPENDIX OF WP(C) 18243/2023
PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CLASSIFIED OTHER THAN

BACKWARD COMMUNITY (OBC) THE CASTS CERTIFICATE OF MR
SASIDHARAN ISSUED BY THE VILLAGE OFFICER, TAVANNUR DT 19.12.2018

ExhibitP2 TRUE COPY OF THE SSLC CERTIFICATE OF 1ST PETITIONER.
ExhibitP3 TRUE COPY OF THE SSLC CERTIFICATE OF 2ND PETITIONER.
Exhibit P4 TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 19.6.2019
ISSUED BY THE THASILDAR PONNANI TO THE 1ST PETITIONER I Exhibit P5
TRUE COPY OF THE COMMUNITY CERTIFICATE DATED 19.6.2019 ISSUED
TO 2ND PETITIONER. Exhibit P6 TRUE COPY OF THE ABOVE COVERING
LETTER DT 20.2.2020 OF THE HEADMASTER ALONG WITH
APPLICATION,ETC. Exhibit P7 TRUE COPY OF THE ENDORSEMENT DATED

16.3.2020. Exhibit P8 TRUE COPY OF THE SAID COVERING LETTER DT

30.7.2019 OF THE HEADMASTER, KMGVHSS, THAVANNURT ACCOMPANIED BY APPLICATION FOR CORRECTION OF CASTE OF 2ND PETITIONER DT 29.7.2019, CHALAN RECEIPT DT 12.7.2019 AND RELEVANT PAGE OF SCHOOL ADMISSION REGISTER. Exhibit P9 A TRUE COPY OF THE JUDGMENT DT 8.3.2021 IN WPC NO 3832 OF 2021 . RESPONDENT EXHIBITS EXHIBIT R2(a) TRUE COPY OF THE G.O (MS) NO.80/84/GAD DATED 14/03/1984. EXHIBIT R2(b) TRUE COPY OF THE G.O (MS) NO.114/2022/G.EDN DATED 30/06/2022.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com