

Hari Mohan, vs State of Kerala,

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Court : Kerala

Decided On : Mar-16-2023

Judge : Honourable Mr. Justice a.Muhammed Mustaque,Honourable Mrs. Justice Shoba Annamma Eapen

Appeal No. : WA/1127/2021

Appellant : Hari Mohan,

Respondent : State of Kerala,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAMMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 WA NO. 627 OF 2021 AGAINST THE JUDGMENT DATED 15.03.2021 IN WP(C) 20787/2019 OF HIGH COURT OF KERALA APPELLANT/PETITIONER: VISHNU MOHAN, AGED 24 YEARS, S/O.J.MOHANANAN, VISHNU BHAVAN, YEROOR P.O., YEROOR VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT, PIN - 691 312. BY ADVS. SUBHASH CYRIAC SRI.S.SREEJITH (K/838/2010) SHEEBA JOSEPH G.SHRIKUMAR (SR.)

RESPONDENTS/RESPONDENTS: 1 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, THIRUVANANTHAPURAM, KERALA - 695 001. 2 THE SCHEDULED CASTE SCHEDULED TRIBE DEVELOPMENT DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM - 695

001. REPRESENTED BY ITS SECRETARY.

3 KERALA INSTITUTE FOR RESEARCH TRAINING AND DEVELOPMENT STUDIES FOR SCHEDULED CASTE AND SCHEDULED TRIBE (KIRTDAS), REPRESENTED BY ITS DIRECTOR, DIRECTORATE OF KIRTADS, CHEVAYUR, KOZHIKODE - 673 017. THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH WA.1127/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..2..

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE A.MUHAAMED MUSTAQUE & THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN THURSDAY, THE 16TH DAY OF MARCH 2023 / 25TH PHALGUNA, 1944 WA NO. 1127 OF 2021 AGAINST THE JUDGMENT DATED 15.03.2021 IN WP(C) 20367/2019 OF HIGH COURT OF KERALA APPELLANT/PETITIONER: HARI MOHAN, AGED 21 YEARS, S/O. J. MOHANANAN, VISHNU BHAVAN, YEROOR P.O., YEROOR VILLAGE, PUNALUR TALUK, KOLLAM DISTRICT-691 312. BY ADVS. SUBHASH CYRIAC SRI..S.SREEJITH (K/838/2010) RESPONDENTS/RESPONDENTS:

1 STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, THIRUVANANTHAPURAM, KERALA-695 001. 2 THE SCRUTINY COMMITTEE FOR VERIFICATION OF COMMUNITY CERTIFICATES, SC/ST (G) DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM-695001, REPRESENTED BY ITS CHAIRMAN. 3 THE COMMISSIONER

OF ENTRANCE EXAMINATIONS KERALA, 5TH FLOOR, HOUSING BOARD, SHANTINAGAR, THIRUVANANTHAPURAM-695001. 4 KERALA INSTITUTE FOR RESEARC, TRAINING AND DEVELOPMENT STUDIES FOR SCHEDULED CASTE AND ..3..

SCHEDULED TRIBE (KIRTADS), REPRESENTED BY ITS DIRECTOR, DIRECTORATE OF KIRTADS, CHEVAYUR, KOZHIKODE-673017. THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16.03.2023, ALONG WITH WA.627/2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: ..4..

J U D G M E N T

A. Muhamed Mustaque, J These appeals relate to scheduled caste

status of two siblings.

Vishnu Mohan, and hisyoun

and their father belongs to Nair Community, a Forward Community. Vishnu Mohan got admission to B.VSc. Course under the scheduled caste category pursuant to the common entrance examination in

the year 2015.

He completed the course.

..5.. Mohan also has been rejected. Challenging the same, the petitioners have filed two writ petitions before this Court.

2. The learned Single Judge dismissed the

writ petitions. The learned Single Judge was of the view that the caste certificate issued by the society of the scheduled caste community itself cannot be a conclusive proof that they have been

brought up as a scheduled caste member

Scrutiny Committee noted that their father is a business man and their mother is an agricultural officer and endorsed the view of the authorities that writ petitioners had not faced social backwardness as normally faced by the members belong to

the scheduled caste community.

3. We note that the competent authority made the facts findings based on proper inquiry ..6.. and materials and they are of definite view that

the appellants have not suffered any so

the appeal filed by Hari Mohan is to be dismissed for the said reason. Accordingly, dismissed. However, we note that Vishnu Mohan had completed the course long before the cancellation

of certificate issued to him. Even if

to irregular admission cannot be set at naught after the completion of course. The prospective nature of cancellation can only prevent him from enjoying the benefit of caste status in future. We note that while passing the impugned order in the writ petition filed by Vishnu Mohan, those aspect had not been adverted to the completion of ..7..

the course by him. Therefore, we make it clear that the d

allowed in part as above. Sd/- A.MUHAMED MUSTAQUE JUDGE Sd/- SHOBA ANNAMMA EAPEN JUDGE PR

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