

C. Krishnakumar and anr. Vs. State of Kerala and ors.

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Court : Kerala

Decided On : Jan-08-2008

Reported in : 2008(1)KLJ406; 2008(1)KLT580

Judge : J.B. Koshy and; K. Hema, JJ.

Acts : Kerala (Scheduled Castes and Scheduled Tribes) issue of Community Certificate Act, 1996 - Sections 7, 11, 11(4) and 12(3); Principal Act - Sections 12

Appeal No. : MFA No. 2 of 2008

Appellant : C. Krishnakumar and anr.

Respondent : State of Kerala and ors.

Advocate for Def. : P.K. Santamma, Adv. and; P. Santhosh Kumar, GP

Advocate for Pet/Ap. : N. Nandakumara Menon, Sr. Adv.,; P.K. Manojkumar and; Su

Disposition : Petition dismissed

Judgement :

J.B. Koshy, J.

1. Petitioner is challenging the order dated 24-12-2007 cancelling the community certificate passed by the 2nd respondent under Section 11 of the Kerala

(Scheduled Castes and Scheduled Tribes) issue of Community Certificate Act, 1996 (in short' the Act'). Such orders were appealable under Section 12(3) of the Act. But by Ordinance No. 55/2007, Section 11 was amended by inserting Sub rule 4 to Section 11 providing that no appeal or suit will lie against such orders passed by the Scrutiny Committee. Section 12(3) was also omitted. Section 7 Ordinance reads as follows:

7. Amendment of Section 11: In Section 11 of the principal Act:

-(i) omitted

(ii) after Sub-section (3), the following sub-section shall be inserted, namely:

(4) An order passed by the Scrutiny Committee shall be final and conclusive. No suit or appeal shall lie against the order passed by the Scrutiny Committee.

Section 8 of the ordinance reads as follows:8. Amendment of Section 12: In Section 12 of the principal Act, Sub-section (3) shall be omitted.

2. Therefore, the only remedy for the petitioner is to file a writ petition if there are grounds for filing the same. Without prejudice to the right of the petitioner, this appeal is dismissed.

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