

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 18<sup>TH</sup> DAY OF MARCH 2022 / 27TH PHALGUNA, 1943

WP(C) NO. 21328 OF 2021

**PETITIONER/S:**

BEKSY.A., AGED 40 YEARS  
W/O.MATHEW THOMAS, KUZHIKODIYIL HOUSE,  
ETTITHOPPU P.O., IDUKKI-685 514.

BY ADVS.  
D.KISHORE  
MEERA GOPINATH  
R.MURALEEKRISHNAN (MALAKKARA)  
ARYA JOSEPH

**RESPONDENT/S:**

- 1 THE DISTRICT COLLECTOR,  
COLLECTORATE, IDUKKI-685 603.
- 2 THE ADDITIONAL DISTRICT MAGISTRATE,  
TALUK OFFICE, UDUMBANCHOLA, IDUKKI-685 554.
- 3 THE TAHSILDAR,  
TALUK OFFICE, UDUMBANCHOLA, IDUKKI-685 554.
- 4 THE VILLAGE OFFICER, ERATTAYAR VILLAGE OFFICE,  
ERATTAYAR P.O., IDUKKI-685 514.
- 5 THE VILLAGE OFFICER, KOMALAPURAM VILLAGE OFFICE,  
ALAPPUZHA-688 006.
- 6 ADDL. R6. THE KERALA PUBLIC SERVICE COMMISSION,  
REPRESENTED BY ITS SECRETARY, PATTOM,  
THIRUVANANTHAPURAM-695004.

7 ADDL. R7. THE DISTRICT OFFICER  
KERALA PUBLIC SERVICE COMMISSION, DISTRICT  
OFFICE, KATTAPPANA, IDUKKI- 685508

ADDL.R6 AND R7 ARE IMPEADED AS PER ORDER DATED  
07.12.2021 IN I.A.2/2021 IN WP(C) 21328/2021.

BY ADV ADVOCATE GENERAL OFFICE KERALA

**OTHER PRESENT:**

SMT.DEEPA NARAYANAN, SR.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 18.03.2022, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

**W.P.(C) No. 21328 of 2021**

Dated this the 18<sup>th</sup> day of March, 2022

**JUDGMENT**

The above writ petition is filed with following prayers:

- “a. Call for the records leading to the passing of Exhibit P6 and quash the same by issuing a writ of certiorari or any other appropriate writ, direction or order.*
- b. Issue a writ of mandamus or any other appropriate writ, direction or order directing the 4<sup>th</sup> respondent to issue the Caste Certificate showing the caste of the petitioner as ‘Latin Catholic’ as well as a direction to the 3<sup>rd</sup> respondent to issue the Non Creamy Layer Certificate to the petitioner forthwith, so as to enable her to produce the same before the Kerala Public Service Commission for the securing employment in furtherance to Exhibit P4 notification.*
- c. grant such other reliefs which this Honourable Court may deem fit and proper in the interest of justice.”*  
*(Sic)*

2. As per Ext.P1 Secondary School Leaving Certificate of the petitioner, she belongs to Christian Latin Catholic community. Ext.P3 is the caste certificate and from that also it

is clear that the petitioner belongs to Latin Catholic. The petitioner married to a person, who belongs to Roman Catholic community on 25.04.2005. Meanwhile, the petitioner obtained appointment through PSC, to the post of LP School Teacher (Malayalam Medium), Idukki District as evident by Ext.P4. In connection with the appointment, the petitioner applied for a caste certificate and the same is rejected as per Ext.P6 order stating that the petitioner married a man, who belongs to Christian Zeromalabar Syrian Catholic and therefore, the petitioner is not entitled the Latin Catholic status. Aggrieved by Ext.P6, this writ petition is filed.

3. Heard the counsel for the petitioner and the Government Pleader.

4. When this writ petition came up for consideration on 06.10.2021, this court passed the following order.

*“Admit.*

*Government Pleader takes notice for the respondents.*

*Pending disposal of the writ petition, respondents 3 and 4 are directed to issue Caste and Non Creamy Layer Certificates sought by the petitioner provisionally, subject to the outcome of the writ petition.”*

5. The counsel for the petitioner submitted that based on the above order, a caste certificate is issued by the 4<sup>th</sup> respondent provisionally, as evident by Ext.P8.

6. After hearing both sides, it is conceded by both sides that the point raised in this writ petition is squarely covered by a Full Bench decision of this Court in **Kerala Pattikajathi Samrakshana Samithi and Another v. State of Kerala and others [1995 KHC 537]**. In that decision, the Full Bench of this Court observed that the adoption, marriage and conversion of faith of individual from one caste to another as permitted by the Law of Adoption or marriage have no relevance for the purpose of claiming the benefit of reservation under Art.16(4)

of the Constitution of India. The Apex Court also considered this point in **Sunita Singh v. State of Uttar Pradesh [AIR (2018) SC 566]**.

In the light of the above decision from the Full Bench of this Court and from the Apex Court, Ext.P6 will not stand. Therefore, by making the interim order dated 06.10.2021 absolute, this writ petition is allowed. Ext.P6 is quashed. The 4<sup>th</sup> respondent is directed to issue the caste certificate to the petitioner showing that the petitioner belongs to Christian Latin Catholic, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a certified copy of this judgment.

sd/-

**P.V.KUNHIKRISHNAN**  
**JUDGE**

das

**APPENDIX OF WP(C) 21328/2021**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SECONDARY SCHOOL LEAVING CERTIFICATE OF THE PETITIONER.
- Exhibit P2 TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER FROM OLTTI, PALLURUTHY.
- Exhibit P3 TRUE COPY OF THE CASE CERTIFICATE DATED 22.01.2019 ISSUED BY THE 5TH RESPONDENT TO THE PETITIONER.
- Exhibit P4 TRUE COPY OF THE NOTIFICATION DATED 05.08.2021 ISSUED BY THE DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION, IDUKKI.
- Exhibit P5 TRUE COPY OF THE NOTICE DATED NIL ISSUED BY THE DISTRICT OFFICER, KERALA PUBLIC SERVICE COMMISSION, IDUKKI.
- Exhibit P6 TRUE COPY OF THE PROCEEDINGS NO.C1(1)-11534/2021 DATED 28.09.2021 OF THE 3RD RESPONDENT.
- Exhibit P7 TRUE COPY OF THE RELEVANT EXTRACT OF THE RATION CARD OF THE PETITIONER.
- Exhibit P8 TRUE COPY OF THE PROVISIONAL COMMUNITY CERTIFICATE DATED 8.10.2021 ISSUED TO THE PETITIONER BY THE 4TH RESPONDENT.
- Exhibit P9 TRUE COPY OF THE COMMUNICATION DATED 11.11.2021 ISSUED BY THE SECRETARY, KERALA PUBLIC SERVICE COMMISSION TO THE PETITIONER.