



W.A.No. 545 of 2020

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR. JUSTICE S.MANU

MONDAY, THE 27TH DAY OF JANUARY 2025 / 7TH MAGHA, 1946

WA NO. 545 OF 2020

AGAINST THE JUDGMENT DATED 24.10.2019 IN WP(C) NO.1776

OF 2013 OF HIGH COURT OF KERALA

APPELLANT/4TH RESPONDENT IN WPC:

VISHWA HINDU PAREESHATH VIBHAGH KARYALAYAM,
SAMNAVYA BHAVAN, FORT P.O.,
THIRUVANANTHAPURAM - 695 023 REPRESENTED BY ITS
PRESENT SECRETARY AJITHKUMAR M.R., AGED 41 YEARS,
S/O.D.REGHUNATHAN NAIR, MANI BHAVAN, ASRAMAM ROAD,
NETTAYAM P.O., THIRUVANANTHAPURAM - 695 013.

BY ADV S.M.PRASANTH

RESPONDENTS/RESPONDENTS 1 TO 3 & PETITIONER IN WPC:

- 1 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
JUDICIAL DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 DISTRICT COLLECTOR,
THIRUVANANTHAPURAM - 695 001.
- 3 DISTRICT JUDGE,
THIRUVANANTHAPURAM - 695 001.



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- 4 KUMARI BINDHU B.F.,
PROCESS SERVER, SUB COURT, NEDUMANGAD,
THIRUVANANTHAPURAM DISTRICT, RESIDING AT
LB.BHAVAN, PONGIL MULLUVILA P.O., THIRUPURAM
(VIA), THIRUVANANTHAPURAM - 695 133.

OTHER PRESENT:

SRI KALEESWARAM RAJ FOR R4
SRI V. TEKCHAND, SR.G.P.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
27.01.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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JUDGMENTDated this the 27th day of January 2025**Nitin Jamdar, C.J.**

Heard Mr. S.M. Prasanth, learned counsel for the Appellant, Mr. V. Tekchand, learned Senior Government Pleader for the State and Mr. Kaleeswaram Raj, learned counsel for the fourth Respondent/Original Petitioner.

2. The fourth Respondent, aggrieved by Ext.P8 order passed by the second Respondent – District Collector, filed W.P.(C) No. 1776 of 2013. The fourth Respondent contended that she belongs to the Hindu-Nadar community, while her husband was born a Christian. She also asserted that she was recognized as a member of the Hindu-Nadar community and was issued a community certificate accordingly. In 2006, she was granted a Non-Creamy Layer certificate stating her caste as Hindu-Nadar. Subsequently, she applied for the post of Last Grade Servant through the Kerala Public Service Commission, where her caste was recorded as Hindu-Nadar. She later joined as a Last Grade Servant in the Munsiff's Court. However, the Non-Creamy Layer certificate issued to her was subsequently cancelled by the State Authorities, and this cancellation order (Ext.P8) became the subject of challenge in the writ petition. In the writ proceedings, the Appellant - organization impleaded itself as a Party Respondent.



3. The learned Single Judge, after examining the materials on record, including the SSLC Book and other relevant documents produced by the Petitioner, concluded that the Ext.P8 order issued by the second Respondent was vitiated. The learned Single Judge held that the finding - stating that the community certificate was obtained by fraud - was made without proper application of mind. Consequently, the learned Single Judge directed the Respondents to treat the Petitioner as belonging to the Hindu-Nadar community.

4. We find the learned Single Judge has assessed the record and has arrived at a finding on facts. The enquiry in this Writ Appeal is not akin to a first appeal under the Code of Civil Procedure. The view taken by the learned Single Judge is a possible view and there is no perversity in the same.

5. The fourth Respondent/Original Petitioner has also questioned the locus standi of the Appellant to maintain the Writ Appeal. The State has not challenged the order passed by the learned Single Judge quashing Ext.P8, dated 4 December 2012. It is the Appellant - organization, claiming to represent the Hindu-Nadar community, that has sought to challenge the setting aside of the State's order. At most, the community could present its concerns or relevant material before the State to assist in arriving at a proper decision. However, once the learned Single Judge examined the materials on record and set aside the State's order - an order that the State itself has not challenged, the Appellant's intervention in the



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writ petition does not confer upon it the locus standi to challenge the judgment. The matter was between the State and the Original Petitioner, being a service matter. The learned counsel for the Respondent/Original Petitioner has relied on the decision of the Hon'ble Supreme Court in the case of *Neetu v. State of Punjab and Others*¹ wherein it was held that a Public Interest Litigation was not maintainable in service matters. Neither the State nor any person in employment, who may be affected by the status of the Original Petitioner in respect of promotion, etc., has challenged the order of the learned Single Judge.

6. The Appeal is dismissed.

Sd/-

Nitin Jamdar
Chief Justice

Sd/-

S. Manu
Judge

vpv

1 (2007) 10 SCC 614



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APPENDIX OF WA 545/2020

PETITIONER ANNEXURES

**ANNEXURE A1 TRUE COPY OF THE ENQUIRY REPORT SUBMITTED
BY THE DEPUTY COLLECTOR VIGILANCE DATED
18/12/2019.**

ANNEXURE A1(A) TRUE ENGLISH TRANSLATION OF ANNEXURE A1.