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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MRS. JUSTICE PREETA A.K.

TUESDAY, THE 11TH DAY OF AUGUST 2026/20TH SRAVANA, 1948

W.A.NO.1214 OF 2016

AGAINST THE JUDGMENT DATED 03.02.2015 IN W.P(C).NO.11801 OF 2009
OF HIGH COURT OF KERALA

APPELLANT/PETITIONER:

V.BALAN

RETIRED POSTAL ASSISTANT, RESIDING AT KONGOTTU PARAMPIL,
SREEVALSAM, OPP. SIVA TEMPLE, POOTHOL, TRISSUR - 680004

BY ADV.SRI.M.POLY MATHAI

BY ADV.SRI.VIMAL K.CHARLES

RESPONDENTS/RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY, SC/ST DEVELOPMENT
DEPARTMENT, SECRETARIAT, TRIVANDRUM - 695 001
- 2 THE CHAIRMAN
SCRUTINY COMMITTEE FOR VERIFICATION OF SC/ST CLAIMS,
SC/ST DEVELOPMENT DEPARTMENT, SECRETARIAT,
TRIVANDRUM - 695 001
- 3 VIGILANCE OFFICER
VIGILANCE CELL DIRECTORATE OF KIRTADS,
KOZHIKODE - 682017
- 4 THE DIRECTOR OF POSTAL SERVICE
OFFICE OF THE POST MASTER GENERAL,
CENTRAL REGION,
KOCHI - 682 011



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BY SRI.JAISHANKAR V. NAIR, SENIOR PANEL COUNSEL
BY SRI.M.R.ARUNKUMAR, SENIOR GOVERNMENT PLEADER

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON
11.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



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"C.R."**J U D G M E N T****Dr. A.K. Jayasankaran Nambiar, J.**

This writ appeal is filed by the appellant/writ petitioner impugning the judgment dated 03.02.2015 of a learned Single Judge that dismissed his writ petition [W.P.(C).No.11801 of 2009].

2. The brief facts necessary for disposal of this writ appeal are as follows:

The appellant/writ petitioner had joined service under the 4th respondent in the year 1973 as an Extra Departmental Employee. Thereafter, he obtained regular appointment as Postman in 1980, in the quota reserved for Scheduled Tribes based on a caste certificate issued by the Tahsildar concerned showing him as belonging to the Malai Pandaram community, which is a Scheduled Tribe. He was thereafter promoted as a Postal Assistant in the year 1989 once again in a quota reserved for Scheduled Tribe. He retired from service on 31.01.2015, while he was continuing as a Postal Assistant.

3. While the appellant was in service, during the year 1999, the 4th respondent forwarded a request to the 3rd respondent to investigate into the genuineness of the appellant's caste status as a member of the



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Malai Pandaram community. The 3rd respondent therefore conducted an enquiry based on the said request, and submitted Ext.P2 report to the 2nd respondent. The enquiry in question was one that was conducted jointly against the appellant and one Sri.K.Swaminathan, who was the maternal uncle of the appellant, who was working with the Food Corporation of India. An enquiry was apparently requested for even by the said organization against the said Swaminathan, who had claimed the benefit of reservation as applicable to Malai Pandaram community members. In Ext.P2 report, the 3rd respondent found that, on an anthropological investigation, it was revealed that the appellant as well as K.Swaminathan do not belong to the Scheduled Tribe of Malai Pandaram community but actually belonged to the Pandaram (Veera Saiva) community, which was classified under 'Other Backward Communities' [OBC]. The 3rd respondent therefore recommended for a cancellation of the community certificates secured from the Tahsildar, Thrissur, and recommended action against to set right the wrong entries of caste name in the school records of the family members of the appellant. A further recommendation was also made to recover the amounts which the appellant had received based on the alleged false caste certificate. Acting on the basis of Ext.P2 report, the 2nd respondent issued Ext.P3 proceedings directing action to terminate the service of the appellant and to cancel the bogus community certificate and to set right the wrong entries of caste name in the school records of his family members. The 2nd respondent also decided to submit his



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proceedings before the Government for further action.

4. In the meanwhile, however, Ext.P3 proceedings was set aside in an appeal filed by the appellant before this Court through Ext.P4 judgment, which found that the Scrutiny Committee that had taken the decision in Ext.P3, had not been constituted in terms of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act, 1996 [hereinafter referred to as the "1996 Act"]. Thereafter, Ext.P2 report that formed the basis of Ext.P3 proceedings which were set aside as above, was reviewed, and the matter was once again considered by the 2nd respondent and Ext.P6 proceedings were issued confirming the earlier order. Ext.P6 proceedings was thereafter placed before the Government for appropriate action, and the Government issued Ext.P7 order declaring the appellant and members of his family as belonging to the 'Pandaram (Veera Saiva)' community, which was included as OBC and as not belonging to the 'Malai Pandaram' community, which was a Scheduled Tribe. It was further declared that none of the members of the family of the appellant would be eligible for any benefits exclusively intended for members of the Scheduled Tribe and a consequential direction was also issued for effecting correction in the academic records of the family members of the appellant and for cancelling all Scheduled Tribe certificates issued to them. The Government issued further directions to the 4th respondent to terminate



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the services of the appellant forthwith and to appoint a member of the Scheduled Tribe community against the post in question apart from directing a prosecution against the appellant for making a false claim with respect to his caste status. It was aggrieved by Ext.P2, Ext.P6 and Ext.P7 that the appellant approached the writ court through the writ petition aforementioned.

5. The learned Single Judge, who considered the matter, found the contention of the appellant with regard to non-compliance with the rules of natural justice as not made out and went on to hold that insofar as Ext.P2 report was the result of a detailed anthropological study conducted by the Expert Agency, there was no scope for an interference with the same in the absence of any positive evidence adduced by the appellant to substantiate his claim regarding membership of the Malai Pandaram community. The impugned Ext.P2, Ext.P6 and Ext.P7 proceedings were therefore sustained, and the writ petition dismissed as devoid of merit.

6. In the appeal before us, we have heard Sri.Poly Mathai, the learned counsel for the appellant and Sri.M.R.Arun Kumar, the learned senior Government Pleader for the respondents.

7. Of the various contentions urged by Sri.Poly Mathai, the learned counsel for the appellant, the one that appeals to us is the contention that



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there was no fair consideration of Ext.P5 detailed objection/explanation submitted by the appellant before the 2nd respondent at the time when the 2nd respondent proceeded to pass Ext.P6 proceedings against the appellant. It is the contention of the learned counsel that although Ext.P5 detailed objection/explanation had been submitted before the 2nd respondent pointing out various discrepancies in the material sought to be relied upon by the 2nd respondent as contained in Ext.P2 report, the same was not considered by the 2nd respondent while passing Ext.P6 proceedings, as is evident from a mere perusal of the documents referred to in Ext.P6 proceedings. The contention assumes significance in the instant case because it is the specific case of the appellant that the reliance in Ext.P2 report is almost entirely on the admission allegedly made by Sri.K.Swaminathan, the maternal uncle of the appellant, that he did not belong to the Scheduled Tribe category but belonged to the OBC category. It is significant that the appellant has a definite case that his maternal uncle was a habitual drunkard and his admission of guilt before the authorities was not a conscious and responsible one. There was no independent material that was adduced against the appellant to disprove his caste status as a member of the Malai Pandaram community more so when there are other relatives of his who have obtained service benefits based on their Scheduled Tribe identity, against whom no action has been initiated to deprive them of such benefits. Further, while the appellant had sought for the originals of the documents that were stated to have been



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relied upon in Ext.P2 report to find against the appellant, those documents were never shown to the appellant prior to passing Ext.P6 proceedings. It is therefore the case of the appellant that Ext.P6 proceedings and Ext.P7 consequential proceedings of the Government are vitiated on account of a non-compliance with the rules of natural justice.

9. Per contra, it is the stand of the learned senior Government Pleader, placing reliance on the impugned judgment of the learned Single Judge, that even if there were documents/materials that were produced along with Ext.P5 objection/explanation submitted by the appellant before the 2nd respondent, the same would not have disproved anything that had already been established before the 2nd respondent through Ext.P2 report. He therefore contends that merely because those documents were not adverted to, it cannot be said that there was any violation of the rules of natural justice and that Ext.P6 and Ext.P7 proceedings were vitiated in any manner.

10. We find ourselves unable to accept the said contention of the learned senior Government Pleader. We find, as a matter of fact, that Ext.P5 objection/explanation was not considered by the 2nd respondent while passing Ext.P6 proceedings. Apart from the obvious injustice meted out to the appellant through a non-compliance with the rules of natural justice, we also find that the approach of the 2nd respondent in the instant



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matter arising under the 1996 Act itself was erroneous. We are of the view that in proceedings initiated under the 1996 Act against persons who are alleged to have fraudulently misrepresented their caste status for obtaining the benefit of affirmative action programmes of the State, the inquiring/scrutinising authorities cannot be oblivious to the disadvantages faced by members of the Scheduled Caste/Scheduled Tribes in obtaining the social security benefits envisaged for them under the Constitution. Instances are numerous where members of the Scheduled Caste/Scheduled Tribe community are denied such benefits for want of identity documents to prove their identity as members of the said community. The struggle faced by them in obtaining identity documents such as Aadhaar cards and caste/community certificates from the authorities concerned is something that this Court can take judicial notice of, going merely by the number of cases that reach this Court claiming such reliefs. While insisting on identity documents from members of the Scheduled Caste/Scheduled Tribe community to prove their stand in proceedings under the 1996 Act therefore, the authorities thereunder must adopt a lenient approach and look at the overall circumstances, including instances of extension of social security benefits to other family members, including extended family members, of theirs. The authorities cannot insist on members of the Scheduled Caste/Scheduled Tribe community discharging the same burden of proof as expected of ordinary citizens, while simultaneously acknowledging that members of such communities require affirmative



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state action to bring them at par with ordinary citizens. The denial of constitutionally guaranteed privileges to members of the aforesaid communities must only be in exceptional cases of patent fraud that is established through material independently available with the State, including proof of alleged fraud, if any committed by the authorities who issued the caste certificate on the basis of which the person concerned obtained the service benefits. The inability of members of the Scheduled Caste/Schedules Tribe community to produce evidence to substantiate their claim to identity as members of such community cannot by itself, without any positive evidence adduced by the State to the contrary, be a reason to deprive the members of such community of the constitutional privileges guaranteed to them.

11. In the result, we set aside Ext.P6 and Ext.P7 proceedings, and direct the 2nd respondent to pass fresh orders in the matter after considering Ext.P5 objection/explanation and such further materials as the appellant may produce to justify to substantiate his case regarding his identity as a member of the Scheduled Tribe community in question and after allowing the appellant to see the originals of the documents relied against him and mentioned in Ext.P2 report within a period of six months from the date of receipt of the copy of this judgment. The 2nd respondent shall also bear in mind our observations above with regard to the manner in which the appellant and his family members ought to be required to



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discharge the burden of proof cast upon them in proceedings under the 1996 Act. Further, taking note of the factual situation admitted before us as regards the receipt of provisional pension by the appellant during the pendency of this writ appeal, we make it clear that the appellant shall be entitled to continue to draw provisional pension, subject to the outcome of the proceedings that are directed to be completed within the six months period mentioned in this judgment.

The Writ Appeal is allowed as above.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
PREETA A.K.
JUDGE

prp/2/9/26



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APPENDIX OF W.A.NO.1214 OF 2016

PETITIONER'S ANNEXURES:

ANNEXURE A1	TRANSLATION OF DOCUMENT NO1 IN EXT P2
ANNEXURE A4	TRANSLATION OF DOCUMENT NO4 IN EXT P2
ANNEXURE A5	TRANSLATION OF P5
ANNEXURE A6	TRANSLATION OF RELEVANT PORTION OF EXT P9
ANNEXURE A7	THE TRUE COPIES OF JUDGMENT IN O.P.NO.32474 OF 2001 DATED 5/4/2002
ANNEXURE A8	TRUE COPY OF ORDER IN R.P.NO.1085 OF 2006 DATED 12/7/2007

RESPONDENTS ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE