



## GOVERNMENT OF KERALA

### Abstract

Scheduled Castes Scheduled Tribes Development Department – Judgment dated 11.11.2024 in WP(C)39219/2024 of Hon'ble High Court of Kerala - Scheduled Caste (Pulaya) claim of Kum. Aarsha Sunil, Illam, Mangattukadavu, Thirumala, Thiruvananthapuram - Rejected- Orders issued.

### **SCHEDULED CASTES SCHEDULED TRIBES DEVELOPMENT (G) DEPARTMENT**

G.O.(Ms)No.2/2026/SCSTD Dated, Thiruvananthapuram, 20-01-2026

Read:- 1 G.O.(Ms)No.109/2008/SCSTDD dated 20.11.2008.

- 2 Revision Petition dated 25.10.2024 submitted by Kum. Aarsha Sunil to Additional Chief Secretary, SC/ST Development Department.
- 3 Judgment of Hon'ble High Court of Kerala dated 11.11.2024 in WP(C)39219/2024.
- Anthropological enquiry report no. KTDS/611/2024-V dated 31.10.2025
- 4 of Vigilance Officer, Kerala Institute for Research Training and Development Studies (KIRTADS).

### ORDER

Kum. Aarsha Sunil (the claimant herein) sought admission to a professional degree course under the Scheduled Caste quota through Kerala Engineering Architecture and Medical Entrance Examination-2024 (KEAM-2024). During the admission process, her caste claim was referred to the Expert Agency of the Government, KIRTADS (Kerala Institute for Research Training and Development Studies of Scheduled Castes and Scheduled Tribes) for verification by the Commissioner of Entrance Examination who is also the convenor of the Screening Committee for Entrance Examinations. Subsequently, the Vigilance Officer, KIRTADS rejected the SC claim of the claimant, Kum. Aarsha Sunil and submitted the report to the Convenor, Screening Committee constituted vide Section 6 of the Kerala (Scheduled Castes and Scheduled Tribes) Regulation of Issue of Community Certificates Act 1996 (Act 11 of 1996). On the basis of the report of the Expert Agency, the Screening Committee rejected the application of Kum. Aarsha Sunil for Professional Degree Course, 2024.

2. Aggrieved by the above decision of the Screening Committee, the claimant, Kum. Aarsha Sunil filed a revision petition read as paper two, before the Additional Chief Secretary, Scheduled Castes and Scheduled Tribes Development Department. Meanwhile, she also filed W.P.(C)No. 39219/2024 before the Hon'ble High Court of Kerala and in the Judgment dated 11.11.2024 read as paper three, the Hon'ble High Court ordered as follows:

*“The 1st respondent (Secretary, SC/ST Development Dept.) shall take up Ext. P8 (Revision petition dated 25.10.24 submitted by the petitioner) and appropriate orders thereon shall be passed after hearing the petitioner. Orders in this regard shall be passed within a period of six months from the date of receipt of a copy of this judgment”.*

**3.** Consequently, the Vigilance Officer, KIRTADS was directed by the Government to furnish a detailed anthropological enquiry report regarding the SC Pulaya claim of Kum. Aarsha Sunil. The report read as paper four, furnished by the Vigilance Officer, KIRTADS revealed the following points:-

- The father of the claimant, Sri. Sunil Kumar and his kinspersons belong to Hindu Nair Community.
- The mother of the claimant, Smt. Anitha S. is an offspring of inter-caste married couple. Her father, Sri. Baby belongs to Hindu Pulaya Community and mother, Smt. Santha belongs to Hindu Nair community. Therefore, Smt. Anitha S. herself can only be considered as a treated SC member.
- Smt. Anitha S., the mother of the claimant, got Government employment as DTP Operator in Kerala Legislative Assembly under SC quota.
- The claimant’s SC claim is only through her maternal grandfather, Sri. Baby.
- The provisions of reservation in the inter-caste case is limited only to the first generation claimants. As the claimant belongs to second generation, she is not eligible to get any benefits earmarked for the constitutional SC category.
- The criteria stipulated in G.O.(Ms) 109/2008/SCSTDD dated 20/11/2008 read as one is also applicable in this case as the claimant belongs to second generation, claiming SC status.
- The claimant is born and brought up in the social surroundings of her father’s Hindu Nair community.
- The claimant’s SC (Pulaya) claim is against the facts as she has not been subjected to any social disabilities and is also not following any customs and traditions of Pulaya community. Thus, she can only be considered as belonging to Hindu Nair community.

**4.** In pursuance of the directions of the Hon’ble High Court, the claimant was

given a personal hearing on 04.12.2025 at 11.00 AM. Smt. Anitha S., mother of the claimant appeared on behalf of Kum. Aarsha Sunil with a self-executed letter stating that she is attending on behalf of her daughter. The claimant's mother provided submissions regarding family background, upbringing and social circumstances in relation to the claimant, Kum. Aarsha Sunil. The summary of the hearing is given below:-

#### **4.1. Family background and Genealogy**

##### **4.1.1 Claimant's Maternal Lineage**

1. Maternal Grandfather: Sri. G. Baby (deceased) of Pulaya Colony, Edappazhini, Thiruvananthapuram was a member of the Scheduled Caste Pulaya community,
2. Maternal Grandmother: Smt. S.R. Santhamma, belongs to Hindu Nair community of Thaliparamba, Kannur.
3. Marriage: Sri. G. Baby and Smt. S.R. Santhamma contracted a love marriage, registered without following traditional customs of either Hindu-Pulaya or Hindu-Nair communities.
4. Post-Marriage Settlement: After marriage, Sri. G. Baby relocated from the Pulaya Colony at Edappazhini and settled in Thirumala, Thiruvananthapuram. The family maintains contact with relatives residing in the Pulaya Colony.
5. Children: Three daughters were born, of whom Smt. Anitha S. (claimant's mother) is the eldest.

##### **4.1.2. Claimant's Parents**

1. Father: Sri. Sunil Kumar, belongs to Hindu Nair community, presently engaged in small electronics repair business, residing at Illam Veedu, Mangattukadavu, Thirumala, Thiruvananthapuram (own house).
2. Mother: Smt. Anitha S., employed as DTP Operator in Kerala Legislative Secretariat.
3. Marriage: Their marriage was arranged with assistance of local political party members and conducted in a secular manner without following customs of either community.

##### **4.1.3. Other Family Details**

1. Claimant's maternal aunts: Smt. Ajitha (married to Sri. Rajesh, Hindu Ezhava community) and Smt. Amritha (married to Sri. P.R. Rajesh, Hindu Nair community).
2. Both marriages were arranged with the initiative of Sri. Sunil Kumar (claimant's father).

#### **4.2. Claimant's Personal Details**

1. Kum. Aarsha Sunil is the only daughter of Sri. Sunil Kumar and Smt. Anitha S.
2. She completed schooling from Class I to XII at Kendriya Vidyalaya, Pangode, Thiruvananthapuram, under SC category based on the Community Certificate issued by the Tahsildar, Thiruvananthapuram during her school years.
3. She secured admission to Civil Engineering course at Barton Hill Engineering College provisionally, subject to final orders, through KEAM-2025 under SC reservation quota.

#### **4.3. Arguments of claimant's mother**

1. Birth rituals of Kum. Aarsha Sunil such as *noolukettu* and *choroonu* were performed according to Pulaya customs at her parents' residence.
2. Claimant's father Sri. Sunil Kumar specifically decided that their daughter should be raised as a member of the Pulaya community.
3. The family maintains relationships with both maternal Pulaya relatives residing in Edappazhinji Colony and paternal Nair relatives residing at Vattiyoorkavu and Nemom, Thiruvananthapuram.
4. Members of the Pulaya community recognize and accept the claimant as one of their own. (Smt. Anitha submitted no documentary proof in this regard.)
5. The family lives in a secular manner without practicing religion-based or caste-based customs.
6. Smt. Anitha objects to the findings of the Vigilance Officer, KIRTADS that the claimant was raised as belonging to her father's Hindu Nair community.

#### **4.4. Documents submitted**

1. Extract of Admission Register (No. 10006) of Kendriya Vidyalaya, Pangode -

Caste recorded as SC (Hindu, Pulaya).

2. Student's Personal Record of K.V. Pangode - Social category mentioned as SC.
3. Certificate from Principal, K.V. Pangode - Certifying SC category as per admission records.
4. Transfer Certificate from K.V. Pangode - Category recorded as SC.
5. Inter-Caste Marriage Certificate No. 93480522 dated 08.05.2025 (Sri. Sunil Kumar and Smt. Anitha S) issued by Tahsildar, Thiruvananthapuram - Certifying caste of Sri. Sunil Kumar as Hindu Nair and Smt. Anitha S as Hindu Pulaya.
6. Community Certificate No. 94712266 dated 19.06.2025 issued by Tahsildar, Thiruvananthapuram - Caste: Pulaya, Religion: Hindu.

#### **4.5. Legal framework applicable**

The case is governed by G.O.(Ms) No.109/2008/SCSTDD dated 20.11.2008 read as paper one, which stipulates conditions for issuing SC/ST certificates to children of inter-caste marriages, which may be seen below.

While issuing caste certificates to children of inter-caste marriage parents of which one of them is SC/ST, the competent authority must ensure that:

- i) each case is examined individually in the light of existing facts and circumstances.
- ii) whether the claimant suffered disabilities in social, economic and educational spheres.
- iii) whether the community accepted the claimant into their original fold as one among them and the claimant is living according to the same social tenets and customs of the community.

#### **B. Special consideration in the present case:**

The present case involves the claim of a second-generation claimant whose father belongs to Hindu Nair community whereas her mother is a treated SC member [i.e., mother a n offspring of inter-caste married couple (Pulaya (SC) father and Nair mother)]. The petitioner's SC claim originates solely through her maternal grandfather, Sri. G.Baby.

#### **5. Findings**

On the basis of the documents submitted and the submissions made by the claimant it is observed that the claimant fails to fulfill the following conditions *vis-a-vis* her claiming the SC status.

#### **(A): Customs and community acceptance**

- Smt. Anitha S. explicitly stated that her marriage with Sri. Sunil Kumar did not follow any customs or rituals of the SC community. The marriage was conducted by local political party members in a secular manner.
- The claimant has not produced any documentary evidence to the effect that the claimant being accepted by the SC community. No certificate or endorsement from any authorized SC community organization has been submitted. Just a verbal assertion of maintaining relations with SC relatives is insufficient.
- After the marriage of Sri. G. Baby (maternal grandfather) with Smt. S.R. Santhamma, they relocated from the SC Colony at Edappazhinji and settled in Thirumala, This clearly demonstrates that they distanced themselves from the SC community and its social milieu.
- The family explicitly affirms living in a purely secular atmosphere without following customs and rituals of either Nair or SC communities. This clearly contradicts the requirement of living according to the social tenets and customs of the SC community.
- An individual adhering to secularism does not subscribe to any specific religion or caste. Claiming secularism at the same time seeking caste-based status and reservation benefits is contradictory and opportunistic.
- Despite claiming secularism, claimant's father Sri. Sunil Kumar specifically decided that their daughter be raised as a member of the SC community, evidently for securing reservation benefits rather than genuine community affiliation.

#### **(B): Social, Economic and Educational Disability conditions.**

##### **a) No Social Disabilities**

1. The family maintains cordial relationships with both maternal SC and Paternal Nair communities, indicating broad social acceptance cutting across caste lines.
2. They reside in their own house at Thirumala, not in any SC Colony, showing absence of residential segregation faced by traditional SC communities.
3. The mother's employment in Kerala Legislative Secretariat and marriage into

Nair community shows social mobility, which usually elude SC members.

4. No evidence of social ostracism, untouchability or discrimination

b) No Economic Disabilities

1. Mother employed as DTP Operator in Kerala Legislative Secretariat, Government position with regular income and benefits.
2. Father runs electronics repair business from his own residence.
3. Family owns residential property at Mangattukadavu, Thirumala, Thiruvananthapuram.
4. Economic status clearly indicates absence of the poverty and deprivation, usually suffered by genuine SC communities.

c) No Educational Disabilities

1. Claimant received quality education from Class I to XII at Kendriya Vidyalaya, Pangode, a Central Government educational institution known for excellent infrastructure and teaching standards.
2. This demonstrates access to high-quality educational opportunities, without deprivation
3. Mother's education and employment in Legislative Secretariat further evidence absence of educational disabilities across generations.

**(C): Exploitation of reservation benefits**

1. The claimant has systematically availed SC reservation benefits from Class One onwards and now seeks admission to professional degree course under the same claim.
2. Despite the family's assertion of living a secular lifestyle free from caste considerations, they have systematically availed caste-based benefits indicating that their very claim of belonging to SC is only for accessing reservation benefits rather than out of genuine community identity.
3. This clearly suggests exploitation of reservation provisions meant for disadvantaged, genuine SC community members.

**(D) Documentary evidences and issues with them:**

1. School Records: The admission register, student records, principal's certificate and transfer certificate showing SC category cannot be treated as authoritative

proof. School authorities merely record information provided by parents or guardians at the time of admission without any independent verification of caste status.

2. Community Certificate: The Tahsildar, Thiruvananthapuram, issued Community Certificate No. 94712266 dated 19.06.2025 while the claimant's SC status was under consideration by the Government. The certificate appears to have been issued without proper verification of eligibility criteria as outlined in the Govt. Order read as one.

3. Document missing: The mother stated that she didn't retain a copy of the Community Certificate originally submitted at Kendriya Vidyalaya at the time of admission.

6. After examining the submissions, documents enclosed in the report of KIRTADS and those submitted by the claimant and legal provisions applicable, it is observed that the claimant, Kum. Aarsha Sunil, does not satisfy any of the three mandatory conditions stipulated in Govt. order read as paper one. There is no evidence of the claimant or her family being accepted by the Pulaya community and as living according to the customs and traditions of that community. The claimant has not suffered the social, economic or educational disabilities experienced by genuine Scheduled Caste community members. The family's assertion of secularism and caste-free living is at odds with their claim of caste-based identity and reservation benefits. Systematically availing of SC reservation benefits from elementary education onwards till professional course admission, despite lacking genuine SC community affiliation constitutes usurpation of constitutional rights meant for genuinely disadvantaged persons. Moreover, as a second-generation claimant whose father belongs to forward caste and mother qualified only to be a treated SC member, the claimant cannot claim the Scheduled Caste entitlement.

7. In the above circumstances, after careful examination of all the facts and circumstances of the case and provisions of statutory and other instructions on the subject, Government find no merits on the Scheduled Caste (Pulaya) claim of Kum. Aarsha Sunil, Illam, Mangattukadavu, Thirumala, Thiruvananthapuram.

8. The Government rejects the SC Pulaya claim of Kum. Aarsha Sunil, Illam, Mangattukadavu, Thirumala, Thiruvananthapuram, by clarifying the following points:-

- Kum. Aarsha Sunil, Illam, Mangattukadavu, Thirumala, Thiruvananthapuram, does not belong to SC Pulaya community but to Hindu Nair community.

- She is not eligible for any of the benefits exclusively intended for members of the Scheduled Caste community and if she had availed such benefits such benefits should be stopped.
- If the caste in respect of Kum. Aarsha Sunil is recorded in her academic records as Scheduled Caste (Pulaya), it should be got corrected as Hindu Nair Community.
- Scheduled Caste Certificates shall not be issued to her hereinafter. All the Scheduled Caste Certificates already acquired by her shall be treated as cancelled.
- If she got appointment or admission considering her as member of Scheduled Caste community, she should be terminated from service or the admission should be cancelled as the case may be and an eligible other member of the Scheduled Caste community shall be appointed or admitted in the resultant vacancy.

**9.** Compliance report on the above orders will be furnished to Government by all concerned, at the earliest.

**10.** The judgment dated 11.11.2024 of the Hon'ble High Court of Kerala in WP(C)39219/2024 is thus complied with.

(By Order of the Governor)  
Dr A KOWSIGAN I A S  
SECRETARY

To:1) Kum. Aarsha Sunil, Illam, Mangattukadavu, Thirumala,  
Thiruvananthapuram,  
2) The Advocate General, Ernakulam (with C/L).  
3) The Commissioner for Entrance Examinations, 7th Floor, KSRTC Bus  
Terminal Complex, Thampanoor, Thiruvananthapuram-695001  
(The Convener, Screening Committee for Entrance Examination)  
4) The Director, SC Development Department, Nandavanam,  
Vikas Bhavan P.O., Thiruvananthapuram.  
5) The Director, KIRTADS, Chevayoor, Kozhikkode – 17.  
6) The Vigilance Officer, KIRTADS, Chevayoor, Kozhikkode – 17.  
7) The District Collector, Thiruvananthapuram.  
8) The Tahsildar, Thiruvananthapuram Taluk.  
9) Stock File/Office Copy

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Section Officer