

Karnataka High Court

Smt Kamakshi D/O Thangavelu vs The Commissioner on 12 January, 2009

Author: Ram Mohan Reddy

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IN THE HIGH COURT OF KARNATAKA DATED THIS 12th JANUARY, 2009, AT THE HONBLE MR. JUSTICE REDDY REVIEW Petitioners '4; § § * QF 2008 « IN WRIT PETITION I § 50; ' vi 3'5'ZQ"/'2'{}_t'. (GM-CC) BETWEEN:

Smt KAMAKSVEEI D.; I.:_ > THE-EN'GAVELE,?... ' AGED ABOI.; T--i.4 < 2.VYEA Ie « \$; " ~!; .. KAMAE: £x--VB, EL3HI, ':3; R.IR;x:\i~GAPA"r;&:A TOWN, MANDYA £;)Is':*;m::i:, _ ' '-- V " PETITIONER {By Sri ; JAGDzsxH1S'£J\$Asf_r!Ri, ADV) 1: T.'\$fr«1£; {'Ct:.\$zi:y11ss1oNE:R " -. BACEKWARD CLASSES WELFARE DEPT. AND A_.'PELLATE AUTHORFFY FOR CASTE A'ND'T'NCOME CERTIFICATE VEREFICATION, "BANGALORE.

A 5]' 'E THE DEPUTY COMMISSIONER AND CHAERMAN ' DISTRICT CASTE AND INCE)h/IE VERIFICATION COMMITTEE, MANDYA DISTRICT'. 3 TAHASILDAR SR, ¥R£\$NGAPAT'NA 'FQ., MANDYA ::>£s';*. _ A W\ Haridas Das -17- (13122. Rani Bani}: (Smt) Apex Court while consider: 'ix1g_, »tb..e juristic ¶et' .L_1:ed'erV' Order 47 Rule 1 held that highlighted all the .__ { :as_e not"? have argued more foreefuHyt, ---et""L_eited. binéiin-g peecedents to get a favourable permissible in 31 review.

3. ¶ ¶ itfg rega.rxd*v.t_t;o:_ 'i:he:\$aferesaid authoritative pronc:i;1nceiie:1t...__df.At1":e 'a\$ t:xfcourt What requires to be considered' in 1312:; .eas}.eiS, whether the petitioner has maé;e"013t a eaeev of error apparent on the face of the A1«m~q t' 4.'. "e:I;eeat';ied counsel for the review petitioner "v.,vehezt1e;éjtlly contends that the petitioner belongs to 'Vani caste in the State of Tamil Nadu a. synonym of K in the State of Karnataka and this aspect of the _; X' 3 (?oCY6) 4 SCC '58 ,4-

matter having not been considered by this error apparent on the face of the record.

5. In the order, Subject __:1f;.e.t_1;er _of "rez%ie1#f'; .4_i'«:V is noticed that the transfer certi ¶ete the where the petitioner peSee;;fi_out " ::e2*tifie\$ "ehe " V belongs to 'Hindu Va:1ighette¶eV:e:1'd'»-.g3.e a ¶iattef of fact no maierial is fortio'o~:1i1;t2.g.7*fa:o eS?e.b1ish that the petitionei'beiorxgei?-£2o "C}gI2ige""a"1io ¶ed backward Class. This court to the ¶ndings of facts by the _C_aste~'y'e:*i ¶atioi1*~' Committee as wel}. as the A11the1'ii\$S';"V In the aforesaid premise, this ,_V_e5o1e19i,. ereer itneugxed heid met by invoking Af£i_e}e 227 of the Constitution of India, the '~~__ '-» .petitio'1:sV__ cannot be transfrommed into an appeal and this A an appellate court to go into the "adequacy er ...iIf\$e.deq:1aCy of the Inateria} on which the authorities V recorded their reasons, fmdings and conclusions; 1 .5' M

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6. In my considered opinion, the interference is apparent on the face of the records, 'ixzterference.

The review petition V«'jif,hOi}.{ . ;::1}'c\$rit § and is, accordingly rejected;

1' Sd/1..

% Judge Ln.

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