

**15 -ാം കേരള നിയമസഭ**

**5 -ാം സമ്മേളനം**

**നക്ഷത്ര ചിഹ്നം ഇല്ലാത്ത പോദ്ദം നം. 1945**

**06-07-2022 - ൽ മറുപടിയ്ക്ക്**

**കാസർഗോഡ് ജില്ലയിലെ ഭാഷ ന്യൂനപക്ഷ മേഖലകൾ**

പോദ്ദം		ഉത്തരം	
ശ്രീ എൻ എ നെല്ലിക്കുന്ന്		ശ്രീ പിണറായി വിജയൻ (മുഖ്യമന്ത്രി)	
(എ)	കാസർഗോഡ് ജില്ല രൂപീകരിക്കുന്നതിന് മുമ്പ് ഭാഷ ന്യൂനപക്ഷ മേഖലകൾ വിജ്ഞാപനം ചെയ്ത് പ്രസ്തുത മേഖലയിലെ സർക്കാർ കാര്യലയങ്ങളിൽ ആവശ്യമെങ്കിൽ ആകെയുള്ള എൽ.ഡി. ക്ലാർക്ക് തസ്തികയുടെ തത്തുല്യ വരെ ന്യൂനപക്ഷ ഭാഷ യോഗ്യത വേണ്ട തസ്തികയാക്കി അതാത് വകുപ്പ് മേധാവികൾക്ക് തീരുമാനിക്കാമെന്ന സർക്കാർ ഉത്തരവുണ്ടായെന്ന് വ്യക്തമാക്കാമോ; ഏത് വർഷമാണ് ഈ ഉത്തരവ് പുറത്തിറങ്ങിയത്; ഉത്തരവിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ;	(എ)	ബന്ധപ്പെട്ട ഉത്തരവുകളുടെ പകർപ്പ് അനുബന്ധം I - ആയി ചേർത്തിരിക്കുന്നു.
(ബി)	ഭാഷ ന്യൂനപക്ഷ മേഖലയായി വിജ്ഞാപനം ചെയ്യാൻ സ്വീകരിക്കുന്ന മാനദണ്ഡങ്ങൾ എന്തൊക്കെയാണെന്ന് വ്യക്തമാക്കാമോ; ഇത് സംബന്ധിച്ച് എപ്പോഴെങ്കിലും സർക്കാർ ഉത്തരവുകൾ പുറത്തിറക്കിയിട്ടുണ്ടോ; എങ്കിൽ ഉത്തരവുകളുടെ പകർപ്പുകൾ ലഭ്യമാക്കാമോ;	(ബി)	26.12.1961 ലെ G.O.(Ms)No.758/Edn, 22.12.1962 ലെ G.O.(Ms)No.701 എന്നീ ഉത്തരവുകൾ പ്രകാരം ന്യൂനപക്ഷ ഭാഷകളെ ഔദ്യോഗിക ആവശ്യങ്ങൾക്കായി ഉപയോഗിക്കുന്നത് സംബന്ധിച്ചുള്ള മാനദണ്ഡം നിശ്ചയിച്ചിട്ടുണ്ട്. പ്രസ്തുത ഉത്തരവുകളിലെ വ്യവസ്ഥകൾ പ്രകാരം, ന്യൂനപക്ഷ ഭാഷകളെ ഔദ്യോഗിക ആവശ്യങ്ങൾക്കായി ഉപയോഗിക്കുന്നത് സംബന്ധിച്ച ആവശ്യത്തിലേയ്ക്കായി ഒരു താലൂക്കിലെ ഓരോ മുനിസിപ്പൽ ടൗണിനെയും അല്ലെങ്കിൽ നോൺ മുനിസിപ്പൽ ഏരിയയെയും ഒരു പ്രത്യേക ലോക്കൽ ഏരിയ ആയി പരിഗണിക്കേണ്ടതാണെന്നും അത്തരം ലോക്കൽ ഏരിയകളിൽ 15 ശതമാനമോ അതിലധികമോ ജനങ്ങൾ സംസ്ഥാനത്തെ ഭൂരിപക്ഷ ഭാഷയായ മലയാളം അല്ലാത്ത മറ്റൊരു ഭാഷ സംസാരിക്കുന്നുവെങ്കിൽ അത്തരം ലോക്കൽ ഏരിയകളിൽ ഔദ്യോഗിക ആവശ്യങ്ങൾക്കായി ന്യൂനപക്ഷ ഭാഷകൾ ഉപയോഗിക്കുന്നതിനായി മേൽപറഞ്ഞ ഉത്തരവുകളിൽ വ്യക്തമാക്കിയിട്ടുള്ള സൗകര്യങ്ങൾ ഒരുക്കേണ്ടതുമാണ്. ഉത്തരവുകളുടെ പകർപ്പ് അനുബന്ധം II - ആയി ചേർത്തിരിക്കുന്നു.

(സി)	<p>കാസർഗോഡ്-മഞ്ചേശ്വരം താലൂക്കുകൾ ഭാഷാ ന്യൂനപക്ഷ മേഖലയായി വിജ്ഞാപനം ചെയ്തിട്ടുണ്ടോയെന്ന് വ്യക്തമാക്കാമോ; എങ്കിൽ എപ്പോഴാണ് വിജ്ഞാപനം ചെയ്തതെന്ന് വ്യക്തമാക്കാമോ; ബന്ധപ്പെട്ട ഉത്തരവിന്റെ/വിജ്ഞാപനത്തിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ;</p>	(സി)	<p>ബന്ധപ്പെട്ട ഉത്തരവുകളുടെ പകർപ്പ് അനുബന്ധം III - ആയി ചേർത്തിരിക്കുന്നു.</p>
(ഡി)	<p>കാസർഗോഡ്-മഞ്ചേശ്വരം താലൂക്കുകളിൽ 50 ശതമാനം എൽ.ഡി. ക്ലാർക്ക് തസ്തിക കന്നഡ-മലയാളം യോഗ്യത ഉള്ളവർക്കായി മാറ്റിവെക്കാൻ സർക്കാരോ ജില്ലാ ഭരണകൂടമോ ഉത്തരവ് ഇറക്കിയിട്ടുണ്ടോയെന്ന് വ്യക്തമാക്കാമോ; എങ്കിൽ പ്രസ്തുത ഉത്തരവിന്റെ പകർപ്പ് ലഭ്യമാക്കാമോ; ഈ ഉത്തരവ് അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണൽ റദ്ദ് ചെയ്തിരുന്നോ എന്ന് വ്യക്തമാക്കാമോ; എങ്കിൽ വിശദാംശം നൽകാമോ;</p>	(ഡി)	<p>ബന്ധപ്പെട്ട ഉത്തരവുകളുടെ പകർപ്പ് അനുബന്ധം IV - ആയി ചേർത്തിരിക്കുന്നു. ബഹു. അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണൽ മുമ്പാകെ ശ്രീ. ജിധീഷ് സി. മുതൽപേർ ഫയൽ ചെയ്ത OA (EKM) 264/2022 നമ്പർ കേസിൽ 07.06.2022 തീയതിയിലെ അന്തിമ ഉത്തരവിൽ, കാസർഗോഡ് ജില്ലാകളക്ടറുടെ 05.03.2020 തീയതിയിലെ കത്തിലെ നിർദ്ദേശം റദ്ദ് ചെയ്ത് കൊണ്ടും, കാസർഗോഡ് ജില്ലയിലെ ഭാഷാന്യൂനപക്ഷ പ്രദേശങ്ങളിലെ ഓഫീസ് മേധാവികൾ പ്രസ്തുത ഓഫീസുകൾക്ക് ആവശ്യമായ എണ്ണം കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള എൽ.ഡി. ക്ലാർക്കുമാരെയാണ് നിശ്ചയിക്കുന്നതെന്നും അതിന്റെ തുല്യം എണ്ണം എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളാണ് കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള/തമിഴ് ഭാഷാ പ്രാവീണ്യമുള്ള എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളാക്കി മാറ്റുന്നതെന്നും പൊതുഭരണ വകുപ്പ് സെക്രട്ടറി ഉറപ്പ് വരുത്തുവാൻ നിർദ്ദേശിച്ചിട്ടുണ്ട്. കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള/തമിഴ് ഭാഷാപ്രാവീണ്യമുള്ള എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളായി നിശ്ചയിക്കുന്ന തസ്തികകളിലെ ഒഴിവുകൾ പബ്ലിക് സർവീസ് കമ്മീഷന് റിപ്പോർട്ട് ചെയ്യേണ്ടതാണെന്നും കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള തസ്തികകളായി നിശ്ചയിച്ചിട്ടുള്ള തസ്തികകളുടെ എണ്ണത്തേക്കാൾ അധികം പബ്ലിക് സർവീസ് കമ്മീഷന് റിപ്പോർട്ട് ചെയ്തിട്ടുണ്ടോ എന്നത് അധികാരികൾ വിലയിരുത്തേണ്ടതാണെന്നും, പബ്ലിക് സർവീസ് കമ്മീഷന് റിപ്പോർട്ട് ചെയ്ത എണ്ണത്തിൽ കുറവുണ്ടെങ്കിൽ അധികമായ ഒഴിവുകൾ റിപ്പോർട്ട് ചെയ്യുന്നുവെന്ന് ഉറപ്പുവരുത്തേണ്ടതാണെന്നും ഉത്തരവിന്റെ പകർപ്പ് കൈപ്പറ്റി രണ്ട് മാസത്തിനുള്ളിൽ പ്രസ്തുത നിർദ്ദേശങ്ങൾ നടപ്പിലാക്കേണ്ടതാണെന്നും ബഹു. കേരള അഡ്മിനിസ്ട്രേറ്റീവ് ട്രൈബ്യൂണൽ നിർദ്ദേശിച്ചിട്ടുണ്ട്.</p>
(ഇ)	<p>ട്രൈബ്യൂണൽ കേസ്സു നിലനിൽക്കെ മഞ്ചേശ്വരം കാസർഗോഡ് താലൂക്കുകളിലെ റവന്യൂ വകുപ്പിൽ ആകെയുള്ള 106 എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളിൽ 53 എണ്ണം കന്നഡ യോഗ്യത</p>	(ഇ)	<p>കാസർഗോഡ് ജില്ലാ കളക്ടറുടെ 28.07.1999 തീയതിയിലെ A5-17611/96 നമ്പർ ഉത്തരവ് പ്രകാരം റവന്യൂ വകുപ്പിൽ 42 എൽ.ഡി. ക്ലാർക്ക് തസ്തികകൾ കന്നഡ ഭാഷാ പ്രാവീണ്യമുള്ളവർക്ക്</p>

വേണ്ട തസ്തികയാക്കി പുനർനിർണ്ണയം നടത്തിയിട്ടുണ്ടോയെന്ന് വ്യക്തമാക്കുമോ; മറ്റു വകുപ്പുകൾക്കും ഇത്തരത്തിൽ നിർദ്ദേശം നൽകിയിട്ടുണ്ടോ; എങ്കിൽ വിവിധ വകുപ്പുകളിലെ എൽ.ഡി. ക്ലാർക്ക് സാധ്യതാ പട്ടികയിലുള്ളവരെ ഇത് ബാധിക്കുമെന്ന കാര്യം ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ടോ;

നീക്കിവച്ച് ഉത്തരവായിട്ടുള്ളതാണ്. ജില്ലയിൽ ഭാഷാസൂചനപക്ഷ മേഖലയിൽ പുതുതായി നിലവിൽ വന്ന കാസർഗോഡ് റവന്യൂ ഡിവിഷണൽ ഓഫീസ് (6 എൽ.ഡി.സി), മഞ്ചേശ്വരം താലൂക്ക് (22 എൽ.ഡി.സി) ഓഫീസുകളിൽ നിലവിലുള്ള ആകെ 28 എൽ.ഡി.ക്ലാർക്ക് തസ്തികയിൽ നിന്ന് 11 എണ്ണം കൂടി കന്നഡ ഭാഷാ പ്രാവീണ്യമുള്ളവർക്ക് വേണ്ടി നീക്കിവച്ച് ആകെ 53 (42+11) എൽ.ഡി.ക്ലാർക്ക് തസ്തികയായി പുനർനിർണ്ണയിച്ച് 02.06.2022 തീയതിയിലെ DCKSGD/28/2019/M2 നമ്പർ പ്രകാരം ജില്ലാ കളക്ടർ ഉത്തരവായിട്ടുള്ളതാണ്. കന്നഡ ഭാഷാസൂചനപക്ഷ മേഖലയായ കാസർഗോഡ്, മഞ്ചേശ്വരം താലൂക്കുകളിലെ വിവിധ സർക്കാർ ഓഫീസുകളിലായി (റവന്യൂ വകുപ്പ് ഒഴികെ) നിലവിലുള്ള ആകെ 377 എൽ.ഡി.ക്ലാർക്ക് തസ്തികയിൽ നിന്ന് 49 എണ്ണമാണ് കന്നഡ ഭാഷാ പ്രാവീണ്യമുള്ളവർക്കായി നീക്കിവച്ചിട്ടുള്ളത്. ഹൊസ്പുറ്റം, വെള്ളരിക്കുണ്ട് എന്നീ താലൂക്കുകളിലെ മുഴുവൻ സർക്കാർ ഓഫീസുകളിലെയും എൽ.ഡി.ക്ലാർക്ക് തസ്തിക ജനറൽ വിഭാഗത്തിന് വേണ്ടി മാത്രം നീക്കിവച്ചിട്ടുള്ളതാണ്.

വിവിധ വകുപ്പുമേധാവികളുടെ നിയന്ത്രണത്തിലുള്ളതും ബന്ധപ്പെട്ട ഭാഷാ സൂചനപക്ഷ മേഖലകളിൽ സ്ഥിതി ചെയ്യുന്നതുമായ ഓഫീസുകൾക്ക് ആവശ്യമായ കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ളതും തമിഴ് ഭാഷാപ്രാവീണ്യമുള്ളതുമായ എൽ.ഡി. ക്ലാർക്കുമാരുടെ അംഗബലം നിശ്ചയിക്കുവാനും, പ്രസ്തുത ഓഫീസുകളിലെ അപ്രകാരമുള്ള എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളുടെ തുല്യ എണ്ണം തസ്തികകൾ കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള/തമിഴ് ഭാഷാപ്രാവീണ്യമുള്ള എൽ.ഡി. ക്ലാർക്കുമാരുടെ തസ്തികകൾ ആക്കി മാറ്റുവാനും, ഇപ്രകാരം മാറ്റപ്പെട്ട തസ്തികകളിലേക്ക് സർക്കാർ ഉത്തരവുകളിൽ നിഷ്കർഷിച്ചിട്ടുള്ള യോഗ്യതയുള്ള ഉദ്യോഗാർത്ഥികൾ ഉൾപ്പെടുന്ന പ്രത്യേക പി.എസ്.സി. റാങ്ക് ലിസ്റ്റിൽ നിന്നും നിയമനം നടത്തേണ്ടതാണെന്നും 24/10/1977ലെ 107936/SD3/77/GAD നമ്പർ സർക്കുലർ പ്രകാരം എല്ലാ വകുപ്പ് മേധാവികൾക്കും സർക്കാർ നിർദ്ദേശം നൽകിയിട്ടുള്ളതിനാൽ വിവിധ വകുപ്പുകളിലെ എൽ.ഡി.ക്ലാർക്ക് സാധ്യതാ പട്ടികയിലുള്ളവരെ ഇത് ബാധിക്കുന്നതല്ല.

(എഫ്) 2011-ലെ ജനസംഖ്യ കണക്കെടുപ്പിന്റെ അടിസ്ഥാനത്തിൽ കാസർഗോഡ്-മഞ്ചേശ്വരം താലൂക്കുകളിൽ കന്നഡ ഭാഷ സംസാരിക്കുന്നവർ കൂടുതലുള്ള വില്ലേജുകളെ വിജ്ഞാപനം ചെയ്ത് പ്രസ്തുത മേഖലയിൽ ആവശ്യമായ തസ്തിക കന്നഡ/മലയാളം ആക്കി മാറ്റാൻ നടപടികൾ സ്വീകരിക്കുമോ; കന്നഡ ഭാഷ ആവശ്യം ഇല്ലാത്ത ഓഫീസുകളിലും വകുപ്പുകളിലും കന്നഡ ഭാഷ ന്യൂനപക്ഷങ്ങൾക്കായി തസ്തിക മാറ്റിവെച്ചാലുണ്ടാകുന്ന പ്രയാസങ്ങൾ ദൂരീകരിക്കാൻ എന്ത് നടപടികളാണ് സ്വീകരിക്കാൻ ഉദ്ദേശിക്കുന്നതെന്ന് വ്യക്തമാക്കാമോ?

(എഫ്) 2011-ലെ ജനസംഖ്യ കണക്കെടുപ്പിന്റെ അടിസ്ഥാനത്തിൽ കാസർഗോഡ് - മഞ്ചേശ്വരം താലൂക്കുകളിൽ കന്നഡ ഭാഷ സംസാരിക്കുന്നവർ കൂടുതലുള്ള വില്ലേജുകളെ വിജ്ഞാപനം ചെയ്ത് പ്രസ്തുത മേഖലയിൽ ആവശ്യമായ തസ്തിക കന്നഡ/മലയാളം ആക്കി മാറ്റുന്ന കാര്യം നിലവിൽ പരിഗണനയിലില്ല.

വിവിധ വകുപ്പുമേധാവികളുടെ നിയന്ത്രണത്തിലുള്ളതും ബന്ധപ്പെട്ട ഭാഷാ ന്യൂനപക്ഷ മേഖലകളിൽ സ്ഥിതി ചെയ്യുന്നതുമായ ഓഫീസുകൾക്ക് ആവശ്യമായ കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ളതും തമിഴ് ഭാഷാപ്രാവീണ്യമുള്ളതുമായ എൽ.ഡി. ക്ലാർക്കുമാരുടെ അംഗബലം നിശ്ചയിക്കുവാനും, പ്രസ്തുത ഓഫീസുകളിലെ അപ്രകാരമുള്ള എൽ.ഡി. ക്ലാർക്ക് തസ്തികകളുടെ തുല്യ എണ്ണം തസ്തികകൾ കന്നഡ ഭാഷാപ്രാവീണ്യമുള്ള/തമിഴ് ഭാഷാപ്രാവീണ്യമുള്ള എൽ.ഡി. ക്ലാർക്കുമാരുടെ തസ്തികകൾ ആക്കി മാറ്റുവാനും, ഇപ്രകാരം മാറ്റപ്പെട്ട തസ്തികകളിലേക്ക് സർക്കാർ ഉത്തരവുകളിൽ നിഷ്കർഷിച്ചിട്ടുള്ള യോഗ്യതയുള്ള ഉദ്യോഗാർത്ഥികൾ ഉൾപ്പെടുന്ന പ്രത്യേക പി.എസ്.സി. റാങ്ക് ലിസ്റ്റിൽ നിന്നും നിയമനം നടത്തേണ്ടതാണെന്നും 24/10/1977ലെ 107936/SD3/77/GAD നമ്പർ സർക്കുലർ പ്രകാരം എല്ലാ വകുപ്പ് മേധാവികൾക്കും സർക്കാർ നിർദ്ദേശം നൽകുകയുണ്ടായി. 24/10/1977ലെ 107936/SD3/77/GAD നമ്പർ സർക്കുലറിലെ നിർദ്ദേശങ്ങൾ കൃത്യമായി നടപ്പിലാക്കുന്നുണ്ടെന്ന് ഉറപ്പുവരുത്തുവാൻ എല്ലാ വകുപ്പ് മേധാവികൾക്കും ജില്ലാ കളക്ടർമാർക്കും 05/09/2013ലെ 66110/SD2/2013/GAD നമ്പർ സർക്കുലർ പ്രകാരം സർക്കാർ നിർദ്ദേശം നൽകിയിട്ടുണ്ട്. ഈ വിഷയം സംബന്ധിച്ച് നിലവിലുള്ള സർക്കാർ ഉത്തരവുകളിലെയും സർക്കുലറുകളിലെയും നിർദ്ദേശങ്ങൾ കർശനമായി പാലിക്കുവാൻ 13.01.2022 ലെ SD2/80/2018-GAD നമ്പർ കത്ത് പ്രകാരം എല്ലാ വകുപ്പുമേധാവികൾക്കും സർക്കാർ നിർദ്ദേശം നൽകിയിട്ടുണ്ട്.

സെക്ഷൻ ഓഫീസർ



GOVERNMENT OF KERALA  
GENERAL ADMINISTRATION(SERVICES D)DEPARTMENT

CIRCULAR

No.107936/SD3/77/GAD

Dated, Trivandrum, 24.10.1977.

Sub: Public Services - Kannada-knowing and Tamil-knowing Clerks in the various Departments - fixation of strength - Instructions issued.

Ref:1.G.O.(Ms) No.68/1D dated 15.1.1965.

2. G.O.(Ms) No.357/77/GAD dt. 24.10.1977.

...


In the references cited, Government have prescribed the qualification and mode of selection for the posts of Kannada-knowing and Tamil-knowing L.D. Clerks in the various Departments. Recruitments to these posts on the basis of the orders cited will not be possible, unless the number of such posts in the respective offices is fixed. Government are therefore pleased to authorise the Heads of Departments to fix the strength of Kannada-knowing and Tamil-knowing L.D. Clerks required for the various offices under their control situated in the respective linguistic minority areas and to convert an equal number of posts of L.D. Clerks in those offices as posts of Kannada-knowing/Tamil-knowing L.D. Clerks. They are also requested to see that appointments to the posts so converted are made by candidates having the qualifications prescribed in the above G.Os and advised by the Public Service Commission from the select lists separately drawn up for the purpose.

ZACHARIA MATHEW,  
Special Secretary.

To

- All Heads of Departments and offices.
- All Departments(all sections) of the Secretariat.
- The Secretary, Kerala Public Service Commission (with C.L)
- The Registrar, High Court of Kerala, Ernakulam ( " )
- The Registrar, University of Kerala/Calicut/Cochin( " )
- The Registrar, Kerala Agricultural University,  
Trichur ( " )
- The secretary, Kerala State Electricity Board ( " )
- The Advocate General, Ernakulam ( " )
- The General Manager, Kerala State Road Transport  
Corporation ( " )
- The secretary to Governor.
- The Private Secretary to Chief Minister & other Ministers.
- The Stenographers to Chief secretary & Addl. Chief  
Secretary.

//true copy//

  
Section Officer





**GOVERNMENT OF KERALA**  
**GENERAL ADMINISTRATION (SERVICES - D) DEPARTMENT**

**No. 66110/SD2/2013/GAD**

**Dated, Thiruvananthapuram, 05.09.2013.**

**CIRCULAR**

**Sub:- General Administration Department – Kannada knowing & Tamil knowing L.D.Clerks in various Departments - Instructions reiterated.**

- Ref:-**
1. G.O.(Ms) No. 68/PD dated 15.01.1965.
  2. G.O.(Ms) No. 357/77/GAD dated 24.10.1977.
  3. Government Circular No. 107936/SD3/77/GAD dated 24.10.1977.
  4. Government Circular No. 22287/SD2/93/GAD dated 21.04.1993 & 14.01.1994.
  5. Government Letter No. 17733/SD2/03/GAD dated 29.09.2003

In the Government Circular 3<sup>rd</sup> cited, instructions were issued to all Heads of Departments to fix the strength of Kannada knowing and Tamil knowing L.D. Clerks required for various offices under their control situated in the respective Linguistic Minority areas and to convert an equal number of posts of L.D. Clerks in those offices as posts of Kannada knowing/Tamil knowing L.D. Clerks. It was also instructed to see that the appointments to the posts so converted are made from the select lists separately drawn up for the purpose, by Kerala Public Service Commission including candidates having the qualification prescribed in the Government Orders cited.

In the subsequent references the above instructions were reiterated. But complaints are still being received from Linguistic Minorities that the instructions are not being strictly followed.

The Head of Departments and District Collectors are therefore directed to ensure that the above Government instructions regarding appointment of

Kannada knowing/Tamil knowing L.D. Clerks in the respective Linguistic Minority areas are strictly adhered to.

**K.R. JYOTHILAL**  
**Secretary to Government**

To

All Heads of Departments and Offices.  
All District Collectors.

*Forwarded / By Order*

  
*Section Officer*



## GOVERNMENT OF KERALA

## Abstract

LINGUISTIC MINORITIES—SAFEGUARDS TO LINGUISTIC MINORITIES—FACILITIES FOR THE USE OF MINORITY  
LANGUAGES FOR OFFICIAL PURPOSES—ORDERS ISSUED

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EDUCATION (H) DEPARTMENT

G. O. (Ms.) No. 758/Edn.

Dated, Trivandrum, 26th December, 1961.

- Read:—1. G. O. (Ms.) No. 619/Edn. dated 10-6-1958.  
2. G. O. (Ms.) No. 15/Edn. dated 7-1-1959.  
3. G. O. (Ms.) No. 572/Pub. dated 1-6-1959.

## ORDER

One of the decisions of the Zonal Ministerial Committee appointed by the Southern Zonal Council, on safeguards for Linguistic Minorities which has been accepted by the Government relates to the use of minority languages for official purposes in this State. It has been decided that every Municipal Town or non-Municipal area of a taluk should be treated as a separate local area for the purpose and that the following steps should be taken in this regard in such local areas where 20 per cent or more of the population of that area speak a language different from the majority language of the State, viz. Malayalam.

- (i) All important Government Notices and Rules, Electoral Rolls etc., should be published in the minority language or languages.
- (ii) Forms etc., to be used by the public should be printed both in regional language and in the minority language.
- (iii) Facilities for registration of documents in the minority languages should be provided.
- (iv) Correspondence with Government Offices in the minority languages should be permitted.
- (v) Permission should be given to file documents in the minority languages in the Courts in the area.
- (vi) An endeavour shall be made to secure, in so far as this may be found practicable with due regard to administrative conveniences that officers posted to work in such local areas are persons who possess adequate knowledge of the minority language.

2. In the G.Os read above, Government have already ordered to implement the facilities mentioned under items (i)-(vi) above in area where a single Linguistic Minority speaking Kannada or Tamil constitute 30 per cent or more of the population.

3. Now that Government have accepted the recommendation of the Zonal Ministerial Committee appointed by the Southern Zonal Council, in partial modification of the above G.Os Government are pleased to order that the above mentioned facilities will be provided in areas where 20 per cent or more of the population speak a language different from the principal regional language of the State ie. Malayalam.

4. The Heads of Departments concerned will take immediate steps to implement the orders.

By order of the Governor,

N. SANGAMESWARAN,  
Assistant Secretary.



APPENDIX IV

GOVERNMENT OF KERALA

**Abstract**

NATIONAL INTEGRATION—LINGUISTIC MINORITIES—SAFEGUARDS FOR—‘USE OF MINORITY LANGUAGES’ FOR OFFICIAL PURPOSES—FACILITIES FOR—REVISED ORDERS—ISSUED

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PUBLIC (ORGANISATION AND METHODS) DEPARTMENT

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G. O. (Ms.) No. 701.

*Dated, Trivandrum, 22nd December, 1962.*

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*Read:—*1. G.O. (Ms.) No. 758/Edn. dated 26-12-1961.

2. Letter No. 113/2/10/62/620 dated 27-6-1962 from the Commissioner for Linguistic Minorities, Government of India, 40, Hamilton road, Allahabad-2.

ORDER

In paragraph 3 of the G. O. cited, the Government had accepted the recommendation of the Zonal Ministerial Committee of the Southern Zonal Council and ordered that the facilities for the use of ‘Minority Languages’ for official purposes were to be extended to areas where 20% or more of the population spoke a language other than the principal regional language, i.e. Malayalam.

2. In order to bring this concession in line with the decisions of the State Chief Ministers and Central Ministers at their meeting in August 1961, the Government are pleased to order, in further relaxation thereof that these concessions, will be applicable to areas where 15% of the population belong to this category.

By order of the Governor,

N. M. PATNAIK,

*Chief Secretary to Government.*



13 21 13 EXT:KI (4)  
GOVERNMENT OF KERALA

No. 26070/NI/84/JAD  
General Admn. (Rules) Department,  
Trivandrum, 22-6-1984.

CIRCULAR

Sub: Linguistic Minorities - Safeguards to Linguistic Minorities - Facilities for the use of minority languages for official and other purposes - Implementation by Public Sector Undertakings/ Autonomous Bodies - Instructions issued.

Government have allowed various safeguards to the Linguistic Minorities in the State in the fields of education, use of minority languages for official and other purposes, recruitment to Public Services of the State etc.

In regard to use of minority languages for official and other purposes Government have ordered in G.O.MS.No.758/Edn. dated 26-12-1961 as amended by G.O.MS.No.701/PD dated 22-12-1962 (copies enclosed) that following steps should be taken to safeguard the interests of the linguistic minorities in local areas in the State where 15% or more of the population speak a language different from the majority language of the State, viz. Malayalam.

- (i) All important Government notices and rules, electoral rolls etc. should be published in the minority language or languages;
- (ii) Forms etc. to be used by the public should be printed both in regional language and in the minority language;
- (iii) Facilities for registration of documents in the minority languages should be provided;
- (iv) Correspondence with Government offices in the minority languages should be permitted;
- (v) Permission should be given to file documents in the minority languages in the Courts in the area;
- (vi) An endeavour shall be made to secure, in so far as this may be found practicable with due regard to administrative convenience, that officers posted to work in such local areas and persons who possess adequate knowledge of the minority language.

2. For facilitating the implementation of the various orders of Government issued for safeguarding the interests of the linguistic minorities, especially in regard to use of minority languages for official and other purposes, Government have declared the following areas as local areas etc.

Sl. No.	Name of minority language	Name of District	Name of Taluk	Local areas	
				Non-municipal area	Municipal Town/ Corporation
1.	Tamil	Trivandrum	Trivandrum	Peerando	Trivandrum
2.	Do.	Idukki	Peerando	Peerando	..
3.	Do.	do.	Udumbanchola	Udumbanchola	..
4.	Do.	do.	Devicollam	Devicollam	Chittur-
5.	Do.	Palghat	Chittur	Chittur	Thattamangalam.
6.	Do.	do.	Palghat	..	Palghat.

The whole of Kasargod Taluk is being treated as Kannada speaking local area.

3. While the above safeguards are implemented by the Government departments, they are not seen observed by the Public Sector Undertakings/Autonomous Bodies which function all over the State including the linguistic minority local areas. The question how far the above safeguards could be provided by the Public Sector Undertakings was discussed at the meeting of the Chief Executives held on 22-5-1984 when the general consensus was reached to take suitable steps by the undertakings to adopt the above safeguards to the extent feasible. The Chief Executives of all Public Sector Undertakings/Autonomous Bodies are therefore requested to consider the question of implementation of the safeguards referred to above to the linguistic minorities in their areas of operation and issue necessary orders in the matter with copy to Government.

R.GOPALASWAMY,  
CHIEF SECRETARY.

To  
The Chief Executives of all Public Sector Undertakings/Autonomous Bodies.  
All Commissioner & Secretaries, Secretaries to Government  
All Departments of the Secretariat including Law and Finance.  
The Under Secretary to Chief Secretary.  
The Confidential Assistant to Additional Secretary-I(G)

Forwarded / by order

*[Signature]*  
Section Officer.

*[Signature]*  
Govt. Pleas

GOVERNMENT OF KERALA

No.60773/N1/84/GAD dated 20.5.1984  
General Admn. (Rules) Department.  
Trivandrum, 20-5-1984.

CIRCULAR

Sub : Linguistic Minorities - Safeguards - Use of Minority Languages for  
official and other purposes - Implementation of - Instructions - Reiterated.

In G.O.(Ms) No. 758/Edn. Dated 26.12.1961 as amended by G.O(Ms) No. 701/PD dated 22.12.1962, Government have ordered that the following steps should be taken to safeguard the interests of the linguistic minorities in local areas in the State where 15% or more of the population speak a language different from the majority language of the State, viz., Malayalam.

- i) All important Government notices and rules, electoral rolls etc. should be published in the minority language or languages.
- ii) Forms etc. to be used by the public should be printed both in regional language and in the Minority language.
- iii) Facilities for registration of documents in the minority languages should be provided.
- iv) Correspondence with Government offices in the minority languages should be permitted.
- v) Permission should be given to file documents in the minority languages in the Courts in the area.
- vi) An endeavour shall be made to secure, in so far as this may be found practicable with due regard to administrative convenience that officers posted to work in such local areas are persons who possess adequate knowledge of the minority language.

For facilitating the implementation of the various orders of Government issued for safeguarding the interests of the linguistic minorities, especially in regard to use of minority languages for official and other purposes, Government have declared the following areas as Tamil speaking local areas.

Sl. No.	Name of Minority Language	Name of District	Name of Taluk	Local areas	
				Non-municipal area	Municipal/Town/ Corporation
1	Tamil	Trivandrum	Trivandrum	...	Trivandrum
2	Do	Idukki	Peermade	Peermade	...
3	Do	do	Udumbanchola	Udumbanchola	...
4	Do	do	Devicolam	Devicolam	...
5	Do	Palghat	Chittur	Chittur	Chittur - Thattamangalam
6	Do	do	Palghat	...	Palghat

The whole of Kasaragod Taluk is being treated as Kannada speaking local area.

The Members of the State Level Committee for Linguistic Minorities at the meeting held on 14.2.1984 pointed out the difficulties experienced by the linguistic minorities due to the non-publication and supply of forms, notifications, electoral rolls, etc. in minority languages by the authorities concerned. Had there been proper compliance of the instructions



regarding safeguards to linguistic minorities issued by Governement there would not have been room for such complaints.

All Departments of the Secretariat, the Heads of Departments and the District Collectors are requested to see that the safeguards allowed to the linguistic minorities, especially those relating to use of minority languages for official and other purposes embodied in the G.Os referred to above are implemented.

The District Collectors who are in overall charge of the work relating to linguistic minorities and national integration at the Distict level are requested to ensure that no occasion is given for complaint from any quarters in regard to the implementation of safeguards for the linguistic minorities.

M. DANDAPANI,  
COMMISSIONER & SECRETARY.

To

All Departments of the Secretariat.  
All Heads of Departments.  
All District Collectors.

Forwarded/ by order  
Sd/-  
Section Officer

// True Copy //



GOVERNMENT OF KERALA

**Abstract**

GENERAL ADMINISTRATION DEPARTMENT—SAFEGUARDS TO  
LINGUISTIC MINORITIES—DECLARATION OF MANJESHWARAM  
TALUK AS KANNADA LINGUISTIC MINORITY LOCAL  
AREA—SANCTION ACCORDED—ORDERS ISSUED

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GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

**G. O. (P) No. 7/2020/GAD.**

**Dated, Thiruvananthapuram, 19th February, 2020.**

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- Read:*—(1) G. O. (Ms.) No. 758/Edn. dated 26-12-1961.  
(2) G. O. (Ms.) No. 701 dated 22-12-1962.  
(3) G. O. (Ms.) No. 110 dated 21-3-1966.  
(4) Circular No. 60773/N1/84/GAD dated 20-5-1984.  
(5) G. O. (P) No. 283/13/RD dated 27-6-2013.  
(6) Representation dated 14-12-2015 submitted by the President,  
Karnataka Samithi (R), Kasaragod.  
(7) Letter No. M2-10512/16 dated 30-8-2016 from the District  
Collector, Kasaragod.  
(8) Letter No. DCKSGD/3276/2018-M2 dated 31-8-2019 from  
the District Collector, Kasaragod.

ORDER

In the Government Order read as first paper above, as amended by the Government Order read as second, it has been ordered that facilities specified therein for the use of minority languages for official purposes



should be provided in areas where 15% or more of the population speak a language different from the principal regional language i.e. Malayalam. It has also been ordered that every Municipal town or non-municipal area of a taluk should be treated as a separate "local area" for the purpose of implementation of the orders.

2. For facilitating the various departments of Government to implement the orders contained in the Government Orders read as first and second paper above, in the Government Order read as third paper above Government have published a list of "Local areas" in Kerala State where 15% or more of the population speak Tamil according to 1961 census population.

3. In the circular read as 4th paper above it is mentioned that the whole of Kasaragod Taluk is being treated as Kannada speaking local area. As per G. O. (P) No. 283/2013/RD dated 27-6-2013, Manjeshwaram Taluk has been formed by bifurcating Kasaragod Taluk. As per letter read as 6th paper above the President, Karnataka Samithi (R), Kasaragod requested Government to declare Manjeshwaram Taluk also as Kannada speaking local area since the New Manjeshwaram Taluk was formed by carving out 48 villages which were part of Kasaragod Taluk till then.

4. The District Collector, Kasaragod vide letter read as 7th paper above has reported that Manjeshwaram Taluk has been formed as per G.O. (P) No. 283/2013/RD dated 27-6-2013 by bifurcating Kasaragod Taluk and the same consist of 18 group Villages with 48 single Villages. Manjeshwaram Taluk is the northern most Taluk of the State sharing borders with the State of Karnataka. There are large number of people in



Manjeshwaram Taluk who either use Kannada as mother tongue or study Kannada as medium of instruction in Schools. Likewise in majority of the Schools, only Kannada is the medium of instruction followed. Therefore it is clear that major portion of Manjeshwaram Taluk is Kannada linguistic minority area and hence the Taluk deserve all privileges and safeguards extended by the Government to linguistic minority people.

5. Government have examined the matter in detail and are pleased to declare the Manjeshwaram Taluk as Kannada linguistic minority local area. All privileges and safeguards existing to the Kannada linguistic minority area are applicable to the Kannada linguistic minorities in the Manjeshwaram Taluk.

By order of the Governor,

K. R. JYOTHILAL,  
*Principal Secretary to Government.*

To

All Heads of Departments and Offices.

All District Collectors.

All Departments of the Secretariat including Law and Finance.

All Officers of the Secretariat.

The Revenue Department.

The Director, Information & Public Relations Department.

The Secretary, Kerala Public Service Commission,  
Thiruvananthapuram (with C.L.).



The Registrar, University of Kerala, Thiruvananthapuram  
(with C.L.).

The Registrar, University of Calicut, Calicut (with C.L.).

The Registrar, University of Cochin, Cochin (with C.L.).

The Registrar, High Court of Kerala, Ernakulam (with C.L.).

The Registrar, Kerala Agricultural University, Thrissur  
(with C.L.).

The General Manager, Kerala State Road Transport Corporation,  
Thiruvananthapuram (with C.L.).

The Secretary, Kerala State Electricity Board, Thiruvananthapuram  
(with C.L.).

The Advocate General, Kerala, Ernakulam (with C.L.).

The Secretary, Kerala Legislature Secretariat, Thiruvananthapuram  
(with C.L.).

The Secretary to the Governor (with C.L.).

The Private Secretary to the Chief Minister and other Ministers.

The Private Secretary to the Leader of Opposition.

P.A. to Chief Secretary.

P.A. to Principal Secretary, General Administration Department.

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No. DCKSGD/307/2019- M2

കളക്ടറേറ്റ്, കാസർഗോഡ്  
തീയതി: 05/03/2020

ജില്ലാ കളക്ടർ,  
കാസർഗോഡ്.

ജില്ലയിലെ എല്ലാ വകുപ്പ് മേധാവികൾക്കും.

സർ,

വിഷയം: ഭാഷാനൂനപക്ഷ പ്രശ്നങ്ങൾ - സംസ്ഥാന തല ഭാഷാ നൂനപക്ഷ സമിതി യോഗ തീരുമാനങ്ങൾ - നടപ്പിലാക്കുന്നത് സംബന്ധിച്ച്-  
സൂചന: 1) 22/03/2013 ,12/11/2019 തീയതികളിലെ 14955/എസ്ഡി 2/13/പൊ ഭ വ നമ്പർ കത്ത്.  
2) 05/09/2013 ലെ 66110/എസ്ഡി 2/13/പൊ ഭ വ നമ്പർ സർക്കുലർ.

മേൽ സൂചനകളിലേക്ക് അങ്ങയുടെ ശ്രദ്ധക്ഷണിക്കുന്നു. കാസർഗോഡ് ജില്ലയിലെ നൂനപക്ഷ മേഖലയിൽ പ്രവർത്തിക്കുന്ന ഓഫീസുകളിൽ കന്നട ഭാഷയിൽ പ്രാവീണ്യമുള്ള ഉദ്യോഗസ്ഥരുടെ മതിയായ പ്രാതിനിധ്യം ഉറപ്പ് വരുത്തണമെന്ന് സൂചന 1 പ്രകാരം സർക്കാർ ആവശ്യപ്പെട്ടിട്ടുണ്ട്. സൂചന 2 ലെ സർക്കുലർ പ്രകാരം, ജില്ലയിലെ നൂനപക്ഷ മേഖലയിലുള്ള ഓഫീസുകളിലെ ക്ലർക്ക് തസ്തികയുടെ 50% കന്നട ഭാഷാ പ്രാവീണ്യമുള്ള ക്ലർക്ക്മാർക്കായി സംവരണം ചെയ്യേണ്ടതും , പ്രസ്തുത ഒഴിവുകൾ പബ്ലിക് സർവീസ് കമ്മീഷൻ ടി വിഭാഗത്തിനായി പ്രത്യേകം തയ്യാറാക്കുന്ന ലിസ്റ്റിൽനിന്നും നികത്തേണ്ടതുമാണ്. ആയതിനാൽ ടി വിഷയത്തിൽ ആവശ്യമായ നടപടികൾ സ്വീകരിച്ച് , വിവരം അടിയന്തിരമായി ഈ ഓഫീസിലേക്ക് റിപ്പോർട്ട് ചെയ്യേണ്ടതാണ്.

കാസർഗോഡ് ജില്ലയിലെ നൂന പക്ഷ വിഭാഗങ്ങൾക്ക് നിയമപരമായി അനുവദിച്ചിട്ടുള്ള എല്ലാ സംരക്ഷണങ്ങളും നടപ്പിൽ വരുത്തേണ്ടതും , ഇതു സംബന്ധിച്ച് ആ കാര്യాలയത്തിൽ സ്വീകരിച്ച നടപടികൾ സർക്കാരിലേക്ക് റിപ്പോർട്ട് ചെയ്യുന്നതിലേക്കായി ടി വിവരം ഈ ഓഫീസിലേക്ക് അടിയന്തിരമായി റിപ്പോർട്ട് ചെയ്യേണ്ടതുമാണ്.

Signature valid  
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DEVIDAS N  
Date: 2020.03.05  
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Reason: Approved

വിശ്വസ്തയോടെ,  
സെപ്റ്റി കളക്ടർ (ജനറൽ)  
ജില്ലാ കളക്ടർക്കുവേണ്ടി



IN THE KERALA ADMINISTRATIVE TRIBUNAL AT  
THIRUVANANTHAPURAM  
(ADDITIONAL BENCH, ERNAKULAM)  
Present:



The Hon'ble Mr. Benny Gervacis, Judicial Member

Dated this the 7th of June 2022

OA[EKM]-264/2022

**Applicant(s):**

- 1) Jidheesh.C, aged 25 years, S/o T.Kunhiraman, Chedikundu (H), Kundamkuzhy.P.O, ,,Chengala (via), Kasargod - 671541. ,Kerala. mobile-8157983391
- 2) Muhammad Riyas. C, Aged 22 years, S/o P.P.Ahammed, Riyas Villa, Thankayam mukku, (PO) Trikaripur, Kasargod Dist - 671310. phone. 9967402570. ,,,Kerala
- 3) Ershad Khan M. M., Aged 27 years, S/o Muhammed Missahab Khan.M.P, Madappattuthara (H), Kummanam P.O, Kottayam - 686005. ,,,Kerala
- 4) Varun Raj P, Aged 27 years, S/o T.V.Rajan (L), Veenalayam (H), Plachikkara .P.O, Parappa (via), Kasargod - 671534, Phone 9846848678. ,,,Kerala
- 5) Sarath, Aged 30 years, S/o Balakrishnan (L), Cherippodel (H), Eriya P.O., Anandhashram via Kasargod - 671531. Phone 9746633616. ,,,Kerala

By Advs. ARUNA A

**Respondent(s):**

- 1) State of Kerala, represented by the Secretary to Government, General Administration Department, Government Secretariat, Thiruvananthapuram - 695001. ,, Kerala





2) District Collector, Civil Station, Vidyanagar, Kasaragod - 671123. , Kerala

3) Kerala Public Service Commission, Represented by the Secretary, Pattom, Thiruvananthapuram - 695004. , Kerala

4) District Officer, Kerala Public Service Commission, District Office; Kasaragod - 671121. , Kerala

5) Ibrahim Sherif . K, Aged 27 years, S/o. Khader, Arabi Manzil, Kudalmerkala Post, Mangalpady via, Kasargod - 671324. , Kerala

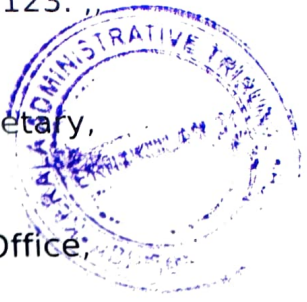
6) Jayakumar P, aged 35 years, S/o Narayana, Para (H), P.O.Angadimogur, Kumbala via, Kasargod - 671321, , Kerala

7) Vasudha S.N, aged 35 years, W/o M.Jeja Prasad, Nekly (H), Mylatty.P.O, Udma via, Kasargod - 671319. , Kerala

8) Mariyamath Ramseena, Aged 29 years, W/o Rubeel N.A, Derjal (H), Kubanoor, Kasargod - 671322. (Addl. Respondents 5 to 8 are impleaded as per order dated 30/03/2022 in MA(EKM)No. 643/22)... Kerala

SHRI ARUN AJAY SANKAR, GOVERNMENT PLEADER FOR RESPONDENT Nos. 1 AND 2///ADV. P.C. SASIDHARAN, SC FOR KPSC FOR RESPONDENT Nos.3 AND 4///ADVS. KALEESWARAM RAJ, VARUN C. VIJAY AND THULASI K. RAJ FOR RESPONDENT Nos. 5 TO 8.

This Original Application having been finally heard on 7th of June 2022, the Tribunal on the same day passed the following:







Benny Gervacis, Judicial Member

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O.A.(Ekm)No. 264 of 2022  
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Dated this, the 7th day of June, 2022

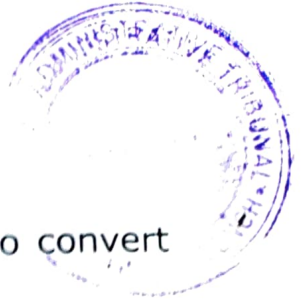
ORDER

The applicants are candidates for the post of L.D. Clerks (Category No.207/2019) notified by the Public Service Commission for Kasaragod district as per Annexure A1 notification dated 15.11.2019. The applicants have participated in the O.M.R. test. The applicants are before this Tribunal aggrieved by Annexure A10 direction issued by the second respondent District Collector, Kasaragod to all Head of Offices of Government Departments in the district. As per Annexure A10, the second respondent directs that 50% of the strength of L.D. Clerks in the offices situated in linguistic minority area of the district should be reserved for persons with Kannada knowledge and such vacancies should be filled up from the ranked list published by the Public Service Commission for the above



linguistic minority community.

2. Learned counsel for the applicants submits that the second respondent lacks power to issue an order in the nature of Annexure A10. It is submitted that Annexure A10 order is issued with reference to Government communication which is reference No.1 and to the circular of the Government dated 5.9.2013 (produced as Annexure A9). Placing reliance on Annexure A9, it is submitted that the Government as per the above circular directed all Heads of Departments to fix the strength of Kannada and Tamil knowing L.D.Clerks required for various offices under their control situated in the respective linguistic minority areas and to convert an equal number of posts of L.D.Clerks in those offices as posts of Kannada knowing/Tamil knowing L.D. Clerk. Learned counsel also refers to Annexure A6 circular dated 24.10.1997. It is contended that as per the above circular, the Government authorized the Head of the Departments to fix the strength of Kannada knowing and Tamil knowing L.D. Clerks for



their offices in the linguistic minority areas and to convert equal number of posts in those offices as posts of Kannada knowing/Tamil knowing L.D. Clerks.

3. It is contended that the second respondent was not authorized or empowered by the Government to convert 50% of the posts of L.D. Clerks in linguistic minority areas of Kasaragod district as posts of Kannada knowing L.D.C. The second respondent has misconstrued, Annexures A8 and A9 and the above direction by the second respondent cannot be sustained and was non-est to the extent the second respondent was not vested with the powers to issue such directions. It is submitted that the Government as part of its policy decision has only directed the Head of the Departments to fix the strength of L.D. Clerks in various offices in the linguistic minority areas taking note of the requirement and to convert such number of posts as posts of Kannada knowing/Tamil knowing L.D. Clerks. Any direction as issued in Annexure A10 would deprive the applicants of their prospects of employment and was





arbitrary and unreasonable.

4. Certain candidates who are included in the short list for the post of L.D. Clerk, Kannada and Malayalam knowing (category NO.459/2016) in Kasaragod district have impleaded themselves as additional respondents 5 to 8.

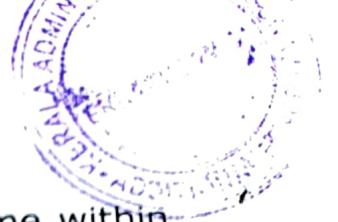
5. The first respondent State, the Public Service Commission, i.e. respondents 3 and 4 and the additional respondents have filed their reply statements.

6. The 1<sup>st</sup> respondent, as per its reply statement, refers to the requirements for providing employees with knowledge of Kannada and Tamil languages in the linguistic minority areas. The various Government orders from the year 1961 are referred to, to provide the background in which Annexures A8 and A9 were issued. The 1<sup>st</sup> respondent in its reply statement does not refer to Annexure A10 communication issued by the 2<sup>nd</sup> respondent and nor does it deal with the sustainability of Annexure A10 communication. It only states that the Government



has authorised the Heads of the Departments to fix the strength of Kannada knowing and Tamil knowing L.D.Clerks in the offices under their control in the respective linguistic minority areas and to convert an equal number of posts of L.D.Clerks in those offices as posts of Kannada/Tamil knowing L.D.Clerks. It also states that the District Collectors were also directed to ensure that the Government instructions were strictly adhered to.

7. The Public Service Commission, as per its reply statement, refers to the marked distinction between its two notifications, Annexures A1 and A7. Annexure A1 is for the post of L.D.Clerks for various departments through direct recruitment and Annexure A7 is the notification for Kannada and Malayalam knowing L.D.Clerks and the qualifications for both the posts are different. Apart from S.S.L.C. in Annexure A7 notification for Kannada and Malayalam knowing L.D.Clerks, working knowledge in the respective language is required, which is not available in Annexure A1. It is also stated, that the assessment of



vacancies and reporting of the same does not come within the purview of the Public Service Commission and therefore, the Public Service Commission does not offer anything on the validity or otherwise of Annexures A8 to A10.

8. The additional respondents as per their reply statement raises the question of maintainability of the Original Application. It is stated that Annexures A8 to A10 circulars and order are in the domain of Government policy. The Government, by various orders issued from time to time, has found it fit to provide Lower Division Clerks with knowledge of Kannada language in the various offices in Kasargode district in the linguistic minority areas (local areas). This was provided in public interest and to provide service to the general public, irrespective of their language and also with the salutary principle that the Kannada speaking persons should not be put to any disadvantage and to ensure that language should not be a barrier in availing of the public service. It is stated that a decision in





the realms of public policy was not amenable to challenge, more especially by the applicants, who does not have any vested right for appointment against the post notified for Kannada and Malayalam knowing L.D.Clerks. It is also stated that the parent order was not under challenge and that Annexure A10 order was issued by the 2<sup>nd</sup> respondent in accordance with the directions in various Government orders, which are produced as Annexures R5(a) to R5(f).

9. A further contention on maintainability is put forth relying on the decision of the Hon'ble Supreme Court in **K.H.Siraj v. High Court of Kerala and Others, (2006) 6 SCC 395**. It is contended that affected persons are not on the party array. The persons who have applied, pursuant to Annexure A7 notification and who are included in Annexure A7 short list have not been brought on party array and the Original Application was to be dismissed on the threshold for non-joinder. It is also stated that a person included in the ranked list does not have a vested right for appointment and the applicants in the Original

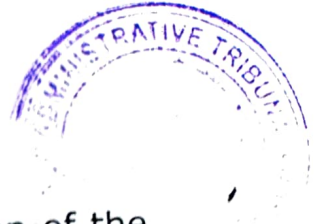


Application are candidates who have applied for the post pursuant to Annexure A1 notification and the selection process for which has not been finalised till date. The Original Application was therefore, not maintainable and liable to be dismissed.

10. Heard both sides.

11. Learned counsel for the applicant submits that the challenge in the Original Application is to Annexure A10 order of the District Collector ie., the 2<sup>nd</sup> respondent, which directs all the Departments in the district in the linguistic minority area to reserve 50% of L.D.Clerk post for Kannada knowing candidates. The learned counsel submits that this was beyond the powers, if any, provided under Annexure A9 circular, which is relied on by the 2<sup>nd</sup> respondent to issue such directions. It is submitted that the applicants are adversely affected, insofar as they are denied prospects of employment by an order, which is issued beyond the powers vested in the 2<sup>nd</sup> respondent and for all purposes was non-est. It is submitted that the applicants





did not, for a moment, challenge the policy decision of the Government, in directing the Heads of the Departments to provide Lower Division Clerks in various offices under their control in the linguistic minority areas with the knowledge of the respective minority language. It is submitted that the applicants did not challenge Annexure A7 notification. Learned counsel for the applicants seeks setting aside of Annexure A10 order.

12. Per contra, the learned Government Pleader submits that the direction in Annexures A8 and A9 circulars is to provide an equal number of L.D.Clerk posts in the various offices in the linguistic minority areas of Kasargod district for Kannada knowing/Tamil knowing L.D.Clerks. As per Annexure A9 circular, the District Collector was also directed to ensure that the Government instructions were strictly followed. Annexure A10 order is one issued in strict compliance with the above directions and was therefore, not liable to be interfered with.

13. Learned counsel for additional respondents 5 to



8 submits that the Courts or Tribunals cannot exercise judicial review in policy matters, when especially it is held that such orders are issued in public interest. The strength or percentage of L.D.Clerks with knowledge of the minority language in the Government Offices cannot be subjected to challenge. Learned counsel relies on the decision in **Ugar Sugar Works Ltd., v. Delhi Administration and Others, (2001) 3 SCC 635**. It is submitted, with reference to the above decision that the Courts in exercise of the powers in judicial review do not ordinarily interfere with policy decisions unless the same was vitiated on grounds of malafides, unreasonableness and perversity. The mere fact that it had business interest was not a ground for interference and in the case at hand, the fact that employment prospects would be affected, cannot be a ground to interfere with the policy decision. Learned counsel for the respondents seeks dismissal of the Original Application.

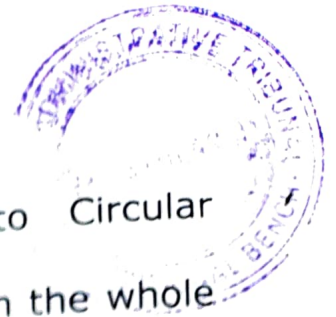
14. The rival submissions, pleadings and materials



on record are considered. The issue raised herein falls within a narrow compass. Whether Annexure A10 direction issued by the 2<sup>nd</sup> respondent can be sustained and whether Annexures A8 and A9 empower the 2<sup>nd</sup> respondent to issue an order to this effect reserving 50% of the L.D.Clerk posts in the various Government Offices in the linguistic minority areas of Kasargod district for Kannada knowing L.D.Clerks and for filling up the same from the ranked list, issued by the Public Service Commission in the above category.

15. The reply statement by the 1<sup>st</sup> respondent, traces the history of these reservations in the linguistic minority areas. The earlier of these is the Government order issued on 26.12.1961, which is subsequently amended by G.O.(MS)No.701/1962/Edn dated 22.12.1962 where facilities were directed to be provided for use of minority languages for official purposes in minority language speaking areas where 15% or more of the population speak a language different from the principal regional language ie., Malayalam.





16. A further reference is made to Circular No.60773/N1/84/GAD dated 20.5.1984, wherein the whole of Kasargod Taluk is treated as Kannada speaking local area. Further, Manjeshwaram Taluk in Kasargod has also been included in the same. The Government, by issuance of various orders, has authorised the Heads of the Departments to fix the strength of Kannada knowing and Tamil knowing L.D.Clerks for various offices under their control, situated in the respective linguistic minority areas and to convert an equal number of posts of L.D.Clerks in those offices as posts of Kannada knowing/Tamil knowing L.D.Clerks. It is pursuant to the above, that Annexures A8 and A9 Circulars are issued by the 1<sup>st</sup> respondent.

17. As per Annexure A9, the District Collectors are also directed to ensure that instructions so issued by the Government were followed in their respective districts. It was pursuant to Annexure A9, that Annexure A10 order is issued by the 2<sup>nd</sup> respondent. However, while issuing Annexure A10, the 2<sup>nd</sup> respondent lost sight of the fact that



as per Annexure A9 the Head of the Departments were directed to fix the strength of Kannada knowing/Tamil knowing L.D.Clerks in the offices in the linguistic minority areas. The 2<sup>nd</sup> respondent has misconstrued the order as one directing to ensure that 50% of the L.D.Clerk posts, were reserved for the Kannada knowing and Tamil knowing L.D.Clerks.

18. Neither Annexures A8 and A9 Circulars nor Annexures R5(a) to R5(f) orders and Circulars direct the District Collector, to reserve 50% of the L.D.Clerk posts for Kannada knowing/Tamil knowing L.D.Clerks in linguistic minority areas. On the other hand, it only directs the Head of the Departments to fix the number of posts Kannada knowing and Tamil knowing L.D.Clerks required for the linguistic minority areas and to reserve equal number of posts in those offices as L.D.Clerk Kannada knowing/Tamil knowing and only directs the Head of the Departments and the District Collectors to ensure that the above directions were strictly followed. Annexure A10 communication and



the direction therein, if accepted, would militate against the directions in Annexures A8 and A9 and the relevant Government orders. This would also work out to prejudice to the linguistic minorities and also against the spirit of the Government policy to provide sufficient Lower Division Clerks knowing Kannada and Tamil in the linguistic minority areas. The 50% in certain cases would be excess but where the linguistic minorities are dominant, it would be less than the required strength.

19. The applicants are admittedly candidates for the post of Lower Division Clerk, who can challenge Annexure A10 to the extent it controverts the Government Circulars Annexures A8 and A9 and also militates against the policy decision of the Government. The policy of the Government, as noted herein before, was to provide sufficient officials in Government offices with the knowledge of the minority language prevalent in the area so as to enable the public or the people of the area to avail of the Government services. Insofar as Annexure A10 was





beyond the powers vested in the 2<sup>nd</sup> respondent as per the parent order and directly affects the applicants and others, the Original Application is maintainable. No policy decision of the Government is under challenge and moreover, the challenge against Annexure A10 order is maintainable without challenge against the parent orders. The decision of the Hon'ble Supreme Court in **K.H.Siraj v. High Court of Kerala and Others**, (2006) 6 SCC 395, would not apply to the facts at hand, insofar as the interest of others included in the selection process for the post notified under Annexure A7 is not affected and that no one can claim a right based on a wrong order or a direction issued on a misconception by the authority.

20. Annexure A10 order, to the extent it misconstrues Annexures A8 and A9 Circulars as directing to reserve 50% of the vacancies of L.D.Clerks in Government offices in the districts which were notified as linguistic minority areas, is therefore, arbitrary and unreasonable. It also militate against the parent orders which authorise the

*A.c.*



Head of the Departments to fix the strength of Kannada knowing and Tamil knowing L.D. Clerks, required for their offices situated in the respective linguistic minority areas and to convert such number of posts of L.D. Clerks in those offices as posts of Kannada knowing/Tamil knowing L.D.Clerks. Annexure A10 order, to the above extent, is set aside.

21. The 1<sup>st</sup> respondent is directed to ensure that the Head of the Departments, who have offices in the notified linguistic minority area of Kasargod district (Kannada speaking - local areas) fixes the required strength of Kannada knowing Lower Division Clerks in the above offices and converts such number of L.D.Clerks as posts of Kannada knowing/Tamil knowing L.D.Clerks. The vacancies in such number of posts shall be communicated to the Public Service Commission against the posts notified as per Annexure A7. The authorities shall also assess such vacancies, if any, reported to the Public Service Commission, in excess of the fixed strength of Kannada

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knowing L.D.Clerk forthwith and in cases where lesser numbers are reported, will ensure that the additional vacancies are reported to the Public Service Commission. The entire exercise, it is made clear, shall be carried out without further delay and at any rate, within a period of two months from the date of receipt of a copy of this order.

The Original Application is accordingly disposed of.

**Sd/- Benny Gervacis (Judicial Member)**

Kav/ahg.



APPLICANT'S ANNEXURES:

- Annexure A1- True copy of the notification issued by the 3rd respondent dated 15.11.2019 , Cat. No.207/2019(KZD).
- Annexure A2- True copy of the first page of admission ticket issued to the Applicant No.1 for the examination scheduled on 20.11.2021.
- Annexure A3- True copy of the first page of admission ticket issued to the Applicant No.2 for the examination scheduled on 20.11.2021.
- Annexure A4- True copy of the first page of admission ticket issued to the Applicant No.3 for the examination scheduled on 20.11.2021.
- Annexure A5- True copy of the first page of admission ticket issued to the Applicant No.4 for the examination scheduled on 20.11.2021.
- Annexure A6- True copy of the first page of admission ticket issued to the Applicant No.5 for the examination scheduled on 20.11.2021.
- Annexure A7- True copy of the notification issued by the 3rd respondent as Cat No.459/2016, Gazette dated 30.12.2016 for selection to the post of Lower Division Clerk (Kannada and Malayalam knowing).



Annexure A8-

True copy of the Circular No.107936/SD3/77/GAD dated 24.10.1977 issued by the 1st respondent. .

Annexure A9-

True copy of the Circular No.66110/SD2/2013/GAD dated 05.09.2013 issued by the 1st respondent. .

Annexure A10-

True copy of the proceeding No.DCKSGD/307/2019-M2 dated 05.03.2020 issued by the 2nd respondent. .

Annexure A11-

Relevant pages of the District Census Handbook Kasaragod- Series 33 Part XII A issued by the Directorate of Census Operations Kerala[Annexure A11 is produced along with the Rejoinder filed on 07.06.2022].

### RESPONDENT'S ANNEXURES:

Annexure R5(a)-

True copy of the letter No. 97558/SD2/01/GAD dated 18.03.2003 issued by the Principal Secretary to Government to all Heads of Departments. .

Annexure R5(b)-

True copy of the letter No.SD2/80/2018-GAD issued by the Principal Secretary to Government to all Heads of Departments on 13.01..2022 .

Annexure R5(c)-

True copy of the Circular No.22287/SD2/93/GAD issued by the Commissioner and Secretary to Government dated 21.04.1993 .

Annexure R5(d)-

True copy of the letter No.17733/SDS2/03/GAD issued by the Principal Secretary to Government to all Heads of Departments on 29.09.2003 .

Annexure R5(e)-

True copy of the letter No.14955/SD2/13/GAD dated 22.03.2013 issued by the Secretary to Government to the District Collector, Kasargod .

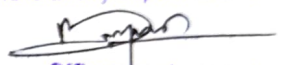
Annexure  
R5(f)-

True copy of the G.O.(MS)No.68 dated 15.01.1965 issued by  
Secretary, Public Service Department. .



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certified that this a true and accurate copy of the  
document/order as in the case file (OAI/RA/TA/CP/MA/PT  
OAE) 264.....2022.....) and faithfully copied with no  
modification

  
Officer in charge of  
Copying Branch