
(1987) 04 MAD CK 0019
In the Madras High Court

Shanmughanandham represented by Father and Guardian
P.S.K. Senthil Arumugham

APPELLANT

Vs

The Secretary, Valliammal Hindu Teacher Training Institute
and Others

RESPONDENT

Date of Decision : 22-04-1987

Acts Referred:

Citation : (1988) 1 MLJ 87

Hon'ble Judges : Srinivasan, J

Bench : Single Bench

Judgement

Srinivasan, J.—The appellant, who was the writ petitioner, was successful in the S.S.L.C. Public Examination held in March, 1984 and had

also obtained Higher Secondary Course Certificate after completing the course popularly known as ""+2 Course"". She applied for admission to the

Teacher Training Course in the first respondent institute. The minimum qualification for Teacher Training Course is completion of S.S.L.C. or X

Standard New Pattern. She appeared for an interview on 19.8.1986. She was not selected for admission on the only ground that there was

variation between the community certificate produced by her along with her application and the transfer certificate issued by the school in which

she studied the ""+2 Course."" While the Community certificate issued by the Tahsildar of Tiruchendur described her community as ""Hindu

Yadavar"", the Transfer Certificate described it as ""Hindu Konar"". The first respondent institutes took the view that the two certificates mentioned

two different communities and, therefore, there was variation. Aggrieved by her non-selection, the appellant filed the writ petition, out of which this

appeal arises, for issue of Writ of Declaration by declaring that the community

""Yadhava"" means and includes ""Konar"" and directing the respondents to allot a seat in the Teacher Training Course for the Academic Year 1986-87 and 1987-88.

2. Mohan, J. dismissed the writ petition on the ground that the matter is one to be decided in a suit and not on mere affidavit and counter-affidavit.

It is urged by learned Counsel for the appellant that the community certificate issued by the Tahsildar is to be accepted as conclusive and that there

is no variation between the same and the Transfer Certificate as ""Konar"" is only an alias for ""Yadava"".

3. Learned Government Pleader has produced a copy of G.O. No. 1564, Social Welfare Department, dated 30th July, 1985, the Annexure to

which contains a list of Backward Classes throughout the State of Tamil Nadu. Item No. 198 refers to ""Yadava"" as including Idaiyar, Telugu

speaking Idaiyur known as Vaduga Ayar or Vaduga Idaiyur or Golla, Mond Golla and Asthanthra Golla. ""Konar"" is not found in the List of

Backward Classes. It is clear from the said G.O. that ""Yadava"" includes ""Idaiyur"". The question that arises for consideration is whether ""Konar"

will fall within the term ""Yadava"" or ""Idaiyar"".

4. In Castes and Tribes of Southern India, by Edgar Thurston, Volume VII at page 415, ""Yadava"" is described thus:

Yadava, meaning descendants of King Yadu, from whom Krishna was descended, has been recorded as synonym or title of Idaiyan, and a sub-

division of Golla and Koracha. There is a tradition among the Idaiyans that Krishna was brought up by their caste.

Obviously, the Tamil Nadu Government had accepted the position that ""Yadava"" and ""Idaiyan"" are synonyms as stated by Thurston.

5. In Volume III of the same book, at page 349, it is seen that ""Konan or Konar is a title of Idaiyans"" and that ""Some Gollas call themselves

Konanulu"". Thursten has dealt with ""Idaiyan"" in Volume II at pages 353 to 366. The relevant portions read thus:

The Idaiyans are the great pastoral or shepherd caste of the Tamil country, but some are land-owners, and a few are in Government employ.

Those whom I examined at Coimbatore were engaged as milkmen, shepherds, cultivators, gardeners, cart-drivers, shopkeepers, constables, family

doctors, and mendicants.... The class consists of several clans, but they may be

broadly divided into two sections, the one more thoroughly organised, the other retaining most of the essential characteristics of an aboriginal race. The first section follow the Vaishnave sect, wear the namam, and call themselves Yadavas. Those belonging to the second section stick to their demon worship, and make no pretensions to a descent from the Yadava race....

In the Madras Census Report, 1901, Pondan or Pogandan is recorded as a sub-caste of Idaiyans, who are palanquin-bearers to the Zamorin of Calicut. In this connection, it is noted by Mr. K. Kannan Nayar that among the Konar (cowherds) of Poondurai near Erode (in the Coimbatore district), who, according to tradition, originally belonged to the same tribe as the Gopas living in the southern part of Kerala, and now forming a section of the Nayars, the former matrimonial customs were exactly the same as those of the Nayars....

In 1904, an elementary school for Idaiyans, called the Yadava School, was established at Madras. The usual title of the Idaiyans is Konan or Kon meaning King, but in the Census Report, 1901, the titles Pillai and Kariyalan are also recorded. In the Census Report, 1891, Idaiya is given as a sub-division of Vakkaliga; and in the Salem Manual Idaiyan appears as a synonym of Shanan.

6. In Volume I of Madras District Manuals (North Arcot), compiled by Arthur F.Cox and published in 1895, the following information is given about Idaiyans at page 220:

Idaiyans or Yadavas are the pastoral class of the Tamil districts. Their name is derived from Tamil idai, which means middle, and is said to refer to their occupation of the middle, called Mullai (pasture land), of the five groups of land mentioned in Tamil works. The Idaiyans are sub-divided into eighteen sections, of which the most important are Samban and Siviya. They are particularly ignorant, and have no tradition about themselves except that Krishna was brought up among them, and he is therefore their favourite deity. The educated Idaiyans are generally addressed as Pillai.

7. In the Gazetteer of India-Madras-Coimbatore by Dr. B.S. Baliga, published by the Government of Madras in 1966, the following passage is found at page 203:

The Idaiyars or the Yadavas are the great shepherd caste of the Tamils. In 1921,

they numbered 14,811 in this district....

the Podumattu Idaiyars claim to have come to Coimbatore from Tirunelveli;....

They assume titles like Kone, Konar, Pillai, Pongadan and Karaiyalar.

In the Gazetteer of India: Madras? Madurai by Dr. B.S. Baliga published by the Government of Madras in 1960, at page 119, we find a similar

passage about Idaiyars and their titles Kone, Konar etc. The same information is found in the Gazetteer of India: Madras: South Arcot also.

8. In Vol. II, Part I of Tamil Lexicon, published by the University of Madras, the term "Konan" is found at page 1204. It is described as a ""title of

the Idaiyar caste"". In Vol. VI of Tamil Lexicon published by the University of Madras, at page 3399, Yadava, is described as a person of

cowherd caste:

9. It is clear from the above that "Konar" is only a title assumed by the Idaiyars of Yadavas. Admittedly, the terms ""Yadava"" includes ""Idaiyars"" as

a backward class. There is no difficulty in holding that a ""Konan"" will fall within the term ""Yadava"" found in the list of Backward Classes issued by

the Government. No material has been placed before us to show that "Konan" is treated as a separate community or that it is considered to be a

forward class.

10. It follows, therefore, that the refusal to grant admission to the appellant on the only ground that there is a variation between the community

certificate and the Transfer Certificate produced by her is erroneous. We hold that there is no variation between the two certificates. It is seen from

the counter-affidavit filed by the Secretary of the first respondent institute, that all the seats for the course for the year 1986-87 have already been

filled up and that there is no vacancy. As such, the appellant cannot get admission to the course for the year 1986-87 particularly when the

academic year has almost come to an end. As the refusal to grant admission to the appellant is not on account of any fault of hers, interest of justice

requires that she should be given admission to the course for the year 1987-88. If she makes an application for the Course for the year 1987-88,

that will be considered by the first respondent on the footing that the appellant belongs to the Backward Class of Yadavas.

11. In the result, we set aside the judgment of the learned single Judge and grant the appellant's prayer in the writ petition to the extent indicated

above. The appeal is partly allowed and the parties are directed to bear their respective costs.