

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH

WRIT PETITION NO.14273 OF 2012

Between:

A. Jaya Rao

.. Petitioner

and

The State of Andhra Pradesh rep. by its
District Collector, Chittoor District

.. Respondent

DATE OF JUDGMENT PRONOUNCEMENT : 04th AUGUST, 2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE SANJAY KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to see the fair copy of the judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.14273 OF 2012

ORDER

This writ petition was filed challenging the show-cause notice dated 05.07.2009 issued by the District Collector, Chittoor, calling upon the petitioner to show cause as to why the Adi Andhra Caste Certificates issued to him should not be cancelled. The ground of challenge was that the impugned action was contrary to law and more particularly, Rule 9(7) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for brevity, 'the Rules of 1997').

In the affidavit filed in support of the writ petition, the petitioner contended that upon receipt of the findings of the Scrutiny Committee as to whether a caste

certificate is genuine or fraudulent, the District Collector has to apply his mind and take steps, whereas in the present case, the District collector has not acted independently and mechanically issued the impugned notice basing on the findings of the Scrutiny Committee.

By order dated 16.05.2012, this Court directed *status quo* to be maintained as obtaining on that day.

The District Collector, Chittoor, filed a counter-affidavit contesting the claim of the petitioner on merits and also on the issue as to whether the due procedure was followed.

Upon perusing the Rules of 1997, this Court finds that under Rule 9(1) thereof, the District Collector is required to refer the case as to whether a person not belonging to a Scheduled Caste or Scheduled Tribe or Backward Class has obtained a false certificate to the Scrutiny Committee which is to enquire into the matter and send its findings to the District Collector. As per Rule 9(6) of the Rules of 1997, the Scrutiny Committee is to furnish its findings to the District Collector within sixty days from the date of receipt of the reference from him. Rule 9(7) of the Rules of 1997 postulates that the District Collector shall then decide whether the certificate holder is genuine or fraudulent and in a case of his having obtained a community certificate fraudulently, the District Collector is required to pass an order canceling the same within one month from the date of receipt of the findings of the Scrutiny Committee.

In the present case, the impugned show-cause notice reflects that the District Level Scrutiny Committee conducted an enquiry upon the case being referred to it by the District Collector, Chittoor, and submitted its findings. Pursuant thereto, it appears that the District Collector issued the impugned notice. Significantly, Rule 9(7) of the Rules of 1997 does not explicitly stipulate that a show-cause notice should be issued by the District Collector at that stage. The certificate holder would be given due opportunity of hearing by the Scrutiny Committee itself under Rule 9(4) of the Rules of 1997 and the scheme of the Rules does not contemplate the District Collector again providing an opportunity to such person after the findings are submitted by the Scrutiny Committee. Even if the principles of natural justice are to be read into Rule 9(7) so as to allow the certificate holder to have an opportunity to contest the findings of the Scrutiny Committee, the issuance of a show-cause notice

would not imply that the District Collector has blindly accepted the findings of the Scrutiny Committee and has not independently applied its mind. Such a stage would not have arisen as the District Collector is inviting the response of the certificate holder to the Committee's findings. It appears that the District Collector, Chittoor, has therefore merely afforded an opportunity to the petitioner to respond to the findings recorded against him by the District Level Scrutiny Committee and this Court finds no violation of the prescribed statutory procedure in this regard. The impugned show-cause notice therefore does not suffer from any illegality warranting interference by this Court.

The writ petition is therefore dismissed. It is stated by the learned counsel for the petitioner that the petitioner submitted his explanation dated 07.05.2012 to the impugned show-cause notice. The District Collector, Chittoor, shall accordingly take the same into account, consider the matter in its entirety in accordance with law and take appropriate action thereafter. Interim order dated 16.05.2012 shall stand vacated. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

04th AUGUST, 2015

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