

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.33737 of 2015

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, for the following relief:

“to issue Writ of Mandamus i) the order dated 19-09-2015 issued by respondent No. 3 as illegal, arbitrary, unconstitutional and contrary to the provisions of Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997. ii) direct the 3rd respondent to issue Digital backward class Community Certificate to the petitioner as belonging to "Gandla" Community.”

Heard Sri C. Naresh Reddy, learned counsel for the petitioner, the learned Government Pleader for Social Welfare for respondents 1 and 4 and the learned Government Pleader for Revenue for respondents 2 and 3.

It is submitted by the learned Government Pleaders that the petitioner herein belongs to Reddy Gandla Community but not Gandla and as such he is not entitled for any relief from this Court. It is also submitted by the learned Government Pleader that the Government issued Memo to the said effect.

It is submitted by the learned counsel for the petitioner that the issue involved in the present writ is squarely covered by the orders of this Court in Writ Petition No.17560 of 2015 dated 18-06-2015 and a copy of the same is placed on record along with the writ petition. In the case on hand also, the petitioner herein rely upon Community, Nativity and Date of Birth Certificate bearing No.C/442/2010, dated .08.2010, issued by the Tahsildar, Kataram Mandal, Karimnagar District.

In the circumstances, there shall be a similar direction as in the above writ petition, which is as follows:

“Since the Community, Nativity and Date of Birth Certificates issued by the Tahsildar, as mentioned above, are, admittedly, still in force, the respondents, shall within two days from the date of receipt of a copy of this order, furnish the petitioners a digital copy of the said certificates. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 for cancellation of the caste certificate in favour of the petitioners, if they are of the view that the said caste certificate are false.”

With the above direction, the writ petition is disposed of. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand disposed of. There shall be no order as to costs.

A.V. SETHA SAI, J

October 12, 2015

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