

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.35826 of 2014

-

DATED:12.06.2015

Between:

Andhra Pradesh Scheduled Tribes Employees

Welfare Association,

Hyderabad and another.

... Petitioners

And

The Secretary General,

Lok Sabha,

Parliament Bhavan,

New Delhi and others.

....Respondents

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.35826 of 2014

-

-

PC: (Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard Mr. A. Satya Prasad, learned Senior Counsel for the petitioners and Mr. Chetluru Srinivas, learned counsel for the contesting respondent No.2.

In the instant writ petition, the petitioners have made the following prayer:

“For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the 2nd respondent is disqualified to continue as Member of Lok Sabha from Araku-18 (ST) Lok Sabha Constituency, Visakhapatnam, as she do not belong to S.T. Category besides declaring the claim of the 2nd respondent as Valmiki by caste, a Scheduled Tribe category is illegal and violative of Section 4(b) of Representation of Peoples Act, 1951, consequently set aside the election of the 2nd respondent as Member of Lok Sabha from Araku-18 (S.T.) Lok Sabha Constituency, Visakhapatnam and pass such other order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

The question whether respondent No.2 belongs to Scheduled Tribe category is still not decided by the competent authority.

Our attention was invited to the order of this Court dated 22.7.2008 passed in Writ Appeal No. 98 of 2002. The writ appeal was arising from the judgment in Writ Petition No.17954 of 1993, dated 13.12.2001, where the question whether respondent No.2, who was petitioner in the said writ petition, belong to Scheduled Tribe category was under consideration. The writ petition was allowed holding that respondent No.2 belongs to Valmiki community, which is recognized as Scheduled Tribe. The Division Bench, however, set aside the said order and disposed of the writ appeal with the following observations:

Even though the learned single Judge allowed the writ petition holding that the respondent belonged to Valmiki Community, in view of the enactment of Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) issue of Community, Nativity and Date of Birth Certificates Rules, 1997, a fresh enquiry need to be conducted as to the validity and legality of the certificate issued by the Mandal Revenue Officer on different dates with regard to the caste of the respondent herein.

In the circumstances, the writ appeal is disposed of directing the appellants to conduct a fresh enquiry into the matter and pass appropriate orders in accordance with law after giving opportunity of hearing to the respondent. There shall be no order as to costs.”

Learned counsel for the petitioners and the 2nd respondent fairly state that after the order was passed in Writ Appeal No. 98 of 2002, the competent authority has still not decided the question whether the 2nd respondent belongs to Scheduled Tribe category. In the circumstances, learned counsel for the petitioners does not press this writ petition and seeks direction to the competent authority to dispose of the 2nd respondent's claim within time frame.

Mr. Chetluru Srinivas, learned counsel appearing for the 2nd respondent has no objection for issuing such direction and he submits that respondent No.2 shall cooperate for disposal of her caste claim within time frame.

Having considered the submission of the learned counsel for the parties, we are satisfied that this writ petition can be conveniently disposed of by the following order:

“The competent authority, pursuant to the order dated 22.7.2008, passed in Writ Appeal No. 98 of 2002, shall decide the 2nd respondent's caste claim, as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. All contentions of the parties are kept open. The petitioners are directed to produce copy of this order along with a copy of the writ petition and annexures before the competent authority within four weeks from today.”

With these observations, the writ petition is disposed of. It is made clear that this Court has not examined merits of the case.

Consequently, pending miscellaneous petitions also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

12th June, 2015

Pnb

