

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9746 of 2015

ORDER:

This writ petition is filed by the petitioner seeking to declare the inaction of the 1st respondent in failure to pass any orders on the stay petition filed along with the Appeal Petition bearing Memo No.637/CV.2/2013, pending before the 1st respondent, as arbitrary, illegal and against contrary to the provisions of the SC, ST & BCs Regulation of Issue of Community Certificates Act, 1993 (in short "the Act").

2. The grievance of the petitioner is that originally his natural father viz., Nooka Raju, belongs to Golla community, but he was taken on adoption by one Pangi Chinnabbai, who is a Konda Dora community, a recognized Schedule Tribe. He was given adoption at the age of six years and his adoption was registered in the year 2000 vide Document No.24/2000 before the Sub-Registrar, Narsipatnam. However, without considering the various aspects, which were submitted before the competent authority by the 2nd respondent, by orders dated 03.02.2013 the caste certificate granted in favour of the petitioner was cancelled, against which the petitioner made an appeal before the 1st respondent under Section 7(2) of the Act. The said application is filed on 25.04.2013. Though, two years have been elapsed neither the appeal is taken up nor the stay petition has been taken up for consideration. Now, the petitioner desires to pursue Post Graduation Course and the 1st respondent authority neither deciding his appeal nor stay petition filed by him, which is causing enormous damage and there by depriving the petitioner of his right to get better educated.

3. Learned Assistant Government Pleader for Social Welfare Department, on instructions submits that the appeal stands posted to 23.05.2015, on which date the appeal will be decided without any further delay. Recording the submission made by the learned Assistant Government Pleader on instructions, the Writ Petition is disposed of with a direction to the 1st respondent-Principal Secretary, Tribal Welfare Department, A.P. Secretariat, Hyderabad, to ensure the disposal of the appeal filed by the petitioner by passing necessary orders in accordance with law. It is needless

to mention that violation of the orders of this Court, especially considering the submission made by the learned Assistant Government Pleader on instructions, would invite the appropriate action including the proceedings under Contempt of Courts Act.

4. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any pending in this Writ Petition, shall stand closed.

CHALLA KODANDA RAM, J

Date:16.04.2015

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