

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.11144 OF 2004

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The petitioner claims that she belongs to "Bariki" of Scheduled Caste Community. She studied in Government High School, Adoni and her social status was recorded in the school register. She passed SSLC in the year 1966. She secured employment based on the Community Certificate issued by the then Tahsildar, Adoni on 11.04.1974 as Lower Division Clerk in the Revenue Department on 05.03.1975 and subsequently she was transferred to Cooperative Department. After 29 years of securing employment, a reference was made by the District Cooperative Audit Officer, Kurnool, directing the petitioner to submit Caste Certificate issued by the 2nd respondent-District Collector, Kurnool. She submitted a representation to the 2nd respondent for issuance of the Caste Certificate by enclosing her school record as well as the Community Certificate issued earlier on 11.04.1974 by the then Tahsildar, Adoni. As the employer wanted to verify the genuineness of social status of the petitioner, he referred the matter to the District Collector, Kurnool. Without conducting any enquiry, an endorsement was issued by the 2nd respondent vide D.Dis.No.707/98, on 05.02.2002, rejecting the request of the petitioner for issuance of Caste Certificate stating that on discreet enquiry made by team of officers in Adoni Revenue Division, he has come to the conclusion that the Bariki caste people of Maddi, Bestha, Gangaputhra, Telugu come under BC-A group and the Bariki caste people are not existing in Kurnool District. The petitioner preferred an appeal to the Government enclosing the documents on which reliance was placed by her. The Government dismissed the appeal petition filed by the petitioner upholding the proceedings of the District Collector, dated 05.02.2002 with the following reasons:

"8. After perusing the records received from the Collector, Kurnool District, in order to provide justice to the appellant, her appeal has been allowed and heard the counsel and also the version of the

appellant on 30.10.2003. After perusing the records of the appellants and argument of the counsel and also the enquiry report of the Team of the Officers, it is found that the appellant Smt K.Anjinamma D/o K.Bheemaiah, resident of Adoni Mandal, has obtained Bariki Caste Certificate from the erstwhile Tahsildar, Adoni on 5/3/1975, but later on the Govt.in G.O.MS.NO.204, SW(T) Dept., dt.23/9/1985, ordered that the Rev.Divisional Officer concerned is alone competent to give the Bariki Caste Certificate. Later, basing on the direction of the Supreme Court, the Govt. in the Memo.No.27/J1/87-88, dt.23/2/1988 has directed the Collectors to continue to issue Bariki Caste Certificate until further orders. So, the certificate of the appellant issued by the erstwhile Tahsildar, Adoni dated back to 5/3/1975 has no value and is invalid. The appellant did not take another certificate from the Collector, Kurnool, who is the competent authority to issue the certificate after thorough enquiry as per the Govt. Memo.578/J1/84-10, SW (J) Department, dated 29/8/1985. The Caste Certificate is to be issued by the District Collector only as per G.O.MS.NO.58, SW (J) Deptt., dt.12/5/1997.

9. Government, after careful examination of the above facts and in exercise of the powers conferred u/s 7(2) of A.P. (SCs,STs and BCs) Issue of Community, Nativity and Date of Birth Certificates Rules, 1993, and Rules made thereunder hereby dismiss the appeal petition filed by Smt.K.Anjinamma, D/o Sri K.Bheemaiah in the ref. 2nd read above upholding the Proceedings of the Collector, Kurnool District in the ref. 1st read above.”

Challenging the same, the present Writ Petition is filed.

3. A counter affidavit is filed on behalf of the 2nd respondent stating that since the District Collectors alone are competent to issue Bariki Caste Certificates from 1985, the District Cooperative Audit Officer, Kurnool, directed the petitioner to submit fresh Caste Certificate issued by the District Collector, Kurnool and accordingly, the petitioner requested the District Collector, Kurnool through her representation, dated 09.06.93 for issuance of Caste Certificate. On receipt of representation, the District Collector appointed team of officers to conduct enquiry about the caste of the petitioner and submit a report. In pursuance of the report of team of officers, it was found that there are no “Bariki” Caste people existing in Kurnool District and the earlier Caste Certificate issued by the then Tahsildar, Adoni was not correct and accordingly, an endorsement was issued on 05.02.2002.

4. In order to see whether the provisions of the Andhra Pradesh (Scheduled Castes,

Scheduled Tribes and Backward Classed) Regulation of Issue of Community Certificates Act, 1993 (for short, 'the Act') are applied or not, this Court called for the record from the 2nd respondent. The record produced by the 2nd respondent discloses that no enquiry as contemplated under the provisions of the said Act was conducted. There was correspondence from the Deputy Director (SW) Kurnool, with regard to the remaining action to be taken in the case of the petitioner and others and in turn the District Collector directed the Revenue Divisional Officer, Adoni and the Executive Director, SC Corporation, Kurnool to enquire into the matter and send the report. But, no report was submitted by the concerned officer. No enquiry was conducted as contemplated under the provisions of the said Act. However, an endorsement was issued on 05.02.2002 rejecting the request of the petitioner. As already stated above, the petitioner is already having a Community Certificate issued by the then Tahsildar, Adoni on 11.04.1974. Now, it is submitted by learned counsel for the petitioner that the petitioner retired from service on superannuation. In these circumstances, the cause of action in this Writ Petition does not survive. However, if the children of the petitioner seek any certificate claiming "Bariki" Caste Certificate, the respondents are at liberty to take appropriate steps in accordance with the provisions of the said Act and take further action.

5. Accordingly, 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.

A.RAMALINGESWARA RAO, J

APRIL 17, 2015

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.11144 OF 2004

DATE: 17.04.2015

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