

THE HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.23501 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the action of 7th in putting the caste for the petitioner as Christian (Mala) instead of Hindu (Mala) as per the records maintained by the then 7th respondent, as illegal and arbitrary.”

Heard Sri V.Ganesh Bhujanga Rao, learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents.

According to the petitioner, he belongs to Mala (SC community) and he was brought up in Muduthallapadu Village, where his father and grand father were residing and the father of the petitioner was agriculturist and illiterate. It is further stated that the petitioner is the only son of his parents and he hails from remote area and he completed his primary education in CSI Elementary School, Muduthallapadu Village, Krishna District.

The grievance, precisely, in the present writ petition is that he belongs to Hindu (Mala) community and by mistake his community is mentioned as backward community. It is the further case of the petitioner that he submitted a representation to the District Collector on 15.02.2015 for redressal of his grievance and the same according to the petitioner has not been attended by the respondent authorities.

On the contrary, it is submitted by the learned Government Pleader for Social Welfare that it is always open for the petitioner to submit appropriate application before the competent authority under the provisions of Section 3 of A.P. (SC, ST & BCs) Regulation of Issue

of Community Certificates Act, 1993 (for short 'the Act').

It is submitted by the learned counsel for the petitioner that the petitioner may be permitted to make an appropriate application before the competent authority under the provisions of the said Act and necessary directions may be issued to the concerned authorities to take appropriate action on the same in accordance with law.

In the circumstances, this Writ Petition is disposed of permitting the petitioner to submit an appropriate application for issuance of caste certificate in his favour before the competent authority under Sections 3 and 4 of the Act within a period of one month from the date of receipt of a copy of this order. If any such application is made by the petitioner within the stipulated time, the competent authority under the provisions of the Act shall consider the same and take appropriate action in accordance with the Act and Rules within a period of two months from the date of filing of such application.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

A.V. SETHA SAI, J

Date : 05.08.2015

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