

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.10458 of 2014

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Between:

Cheepinapi Venkaiah

PETITIONER

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Tribal Welfare Department, Secretariat, Hyderabad and others.

RESPONDENTS

ORDER:

This writ petition is filed for the following relief:

“...to issue a Writ or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondent No. 2 in passing orders dated 25-02-2014 in RC No. C4/557/2007 by cancelling the Petitioners Caste certificate as illegal, arbitrary, violation of principles of natural justice and violation of settled provisions of Andhra Pradesh (Scheduled castes, Scheduled Tribes and Backward classes) Regulation of Issue of community certificates Act, 1993 and violation of Articles 14 and 21 of the Constitution of India and 1 consequently set-aside the said orders and to pass such other order or orders as this Hon'ble Court may deems fit just and

proper in the circumstances of the case...”

The main grievance of the petitioner is that as against the order dated 25.02.2014, he filed an appeal along with an application for stay before the 1st respondent, who is the appellate authority under the A.P. Scheduled Castes, Scheduled Tribes and Backward Class (Regulation of Issue of Community Certificates) Act 1993 (for short ‘the Act’) and the Rules made thereunder, but the 1st respondent neither passed orders in the main appeal nor in the stay application.

Noticing that the appeal came to be filed as long back as on 02.04.2014, this Court ordered notice to the 1st respondent as to why this writ petition should not be allowed and why the appeal has not been taken up for consideration.

In response to the same, Dr. A. Vidyasagar, Principal Secretary, Tribal Welfare Department filed an affidavit stating that he had already initiated action against the 2nd respondent to take the appeal, hear and dispose of the same within a period of four months.

In view of the same, the writ petition is disposed of recording the submission made in the affidavit filed by the Principal Secretary. However, considering the fact that the petitioner filed the appeal within the stipulated time and in the present writ petition this Court granted interim direction on 04.04.2014 to respondents 5 and 6 not to take any coercive action against the petitioner including disciplinary action, I deem it appropriate to continue the same, till disposal of the appeal by the 1st respondent. No costs.

CHALLA KODANDA RAM, J.

6th April, 2015

Js.