

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.28299 of 2015

ORDER:

The relief sought for in this Writ Petition is to declare the endorsement dated 26-01-2015 issued by the third respondent – the Tahsildar, Kataram Mandal, Karimnagar District, as illegal and arbitrary.

The petitioner was, admittedly, issued a Community, Nativity and Date of Birth certificate by the Tahsildar, Kataram Mandal, Karimnagar District on 10-08-2010, wherein he was shown as belonging to B.C-B category. The petitioner, thereafter, submitted an application for a digital copy of the said certificate on 24-12-2014. The said application was rejected by way an endorsement dated 26-01-2015 on the ground that the documents of the petitioner did not reach the Tahsildar Office.

When the matter came up earlier, learned Government Pleader for Social Welfare sought time to obtain instructions. Today the learned Government Pleader, on instructions, would submit that a representation was received by 'Akhila Gandla Telakula Sangham' contending that persons belonging to 'Reddy Gandla' caste are not Backward Classes; and they should not be treated as falling under the B.C-A category. It is also submitted by learned Government Pleader that the Tahsildar Officer did not receive the application said to have been submitted by the petitioner herein.

Section 5 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (for

brevity, 'the Act') relates to cancellation of a false community certificate. Under sub- Section (1) thereof, where, after the commencement of the Act, a person not belonging to the Backward Classes has obtained a false community certificate to the effect that either himself or his children belong to such castes, tribes or classes, the District Collector may either suo motu, or on a written complaint by any person, call for the record and enquire into the correctness of such certificate; and, if he is of the opinion that the certificate was obtained fraudulently, he shall, by notification, cancel the certificate after giving the person concerned an opportunity of making a representation.

As Section 5 of the Act prescribes a procedure for cancellation and it is only if, and after, the caste certificate issued in favour of the petitioner is cancelled she can be denied the benefits available to the backward classes. As long as the said certificate continues to remain in force, and no action has been taken under Section 5 of the Act, the petitioner is entitled to rely on the caste certificate issued in his favour in August, 2010 and claim all benefits to which a B.C-B category candidate is entitled to.

Since the Community, Nativity and Date of Birth certificate issued by the Tahsildar, Kataram Mandal on 10-08-2010 is admittedly still in force and taking into consideration the submission of learned Government Pleader that the documents said to have been submitted by the petitioner did not reach the Tahsildar Office, this Court deems it appropriate to permit the petitioner herein to submit a fresh application along with all the documents within a period of one week from the date of receipt of a copy of this order. If any such application is made within time so stipulated the same be considered and the petitioner be furnished

with digital copy of the certificate within a period of one week thereafter. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Act for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false.

The Writ Petition stands disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

A.V. SETHA SAI, J

September 09, 2015

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