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THE HON'BLE SRI JUSTICE A.V. SESA SAI
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Writ Petition No.15843 of 2015

ORDER:

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In the present writ petition, filed under Article 226 of the Constitution of India, the challenge is to the endorsement bearing RC.No.561/2015/A, dated 26-05-2015, made by the Tahsildar, Buttayagudem Mandal, West-Godavari District, the 3rd respondent herein, wherein and whereby he refused to issue caste certificate in favour of the petitioner.

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2. Heard Sri P.R.K. Amarendra Kumar, learned counsel for the petitioner, learned Government Pleaders for Revenue and Social Welfare, appearing for the respondents.

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3. Earlier the 3rd respondent, obviously followed by enquiry under the provisions of A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No. 16 of 1993), (for short 'the Act') and the Rules framed thereunder, issued caste certificates bearing Nos.985/2001, dated 10-07-2001, and 00BB0097673, dated 26-12-2012, respectively, in favour of the petitioner, certifying her caste as "Koya", which is recognized as one of the Scheduled Tribes (ST), under the relevant Rules. Now, as there was insistence from the educational authorities to produce a recently issued community certificate, the petitioner made application to the 3rd respondent, who, by virtue of the questioned endorsement dated 26-05-2015, rejected to

issue the same, while referring to the report of the Village Revenue Officer. The same is under challenge in the present writ petition.

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4. Learned counsel for the petitioner submits that the action of the 3rd respondent in rejecting to issue caste certificate in favour of the petitioner is totally untenable, without jurisdiction and in contravention of the provisions of the Act and the Rules made thereunder. According to him, in view of the provisions contained in Rule 16 of the Rules, it is not permissible for the Tahsildar to resort to such impugned action, and so long as the earlier certificates, as referred to supra, issued in favour of the petitioner; are intact and not cancelled by any authority, under Section 5 of the Act, the 3rd respondent has no power nor jurisdiction to reject the request of the petitioner.

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5. Section 3 of the Act enables the applicants to submit applications for issue of Community Certificates, and it empowers the authority prescribed to issue certificate. Rules 4 and 5 of the Rules deal with the procedures for application and verification. Section 5 of the Act deals with cancellation of false community certificates, and Rule 9 of the said Rules stipulates the procedure for fraudulent claims. According to Rule 16 of the Rules, the community, nativity and date of birth certificate issued by the competent authority, in accordance with the provisions of the said Act shall be permanent one. In the instant case, there is absolutely no controversy with regard to the reality that earlier as per the provisions of the Act and the Rules made thereunder, the competent authority issued integrated certificate in favour of the petitioner, and the same is still intact, valid, and not interfered with by any competent authority under the relevant provisions of law.

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6. In the absence of the same, there is absolutely no justification on the part of the 3rd respondent to reject the request of the petitioner, by virtue of the impugned endorsement dated 26-05-2015.

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7. For the aforesaid reasons, the writ petition is allowed, setting aside the impugned endorsement made by the Tahsildar, Buttayagudem Mandal, West-Godavari District, the 3rd respondent herein, dated 26-05-2015, and the 3rd respondent is directed to issue caste certificate in favour of the petitioner herein within a period of two weeks from the date of receipt of a copy of this order, basing on the earlier certificates issued in favour of the petitioner herein, as referred to supra.

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8. The miscellaneous petitions, if any, filed in the writ petition shall also stand disposed of. There shall be no order as to costs.

A.V. SESA SAI, J.

Dt.13-07-2015.

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