

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

WRIT PETITION No.15118 of 2015

ORDER:

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

“to issue Writ of Mandamus declaring the order of respondent No.2 in Proc.No.C2/CV/DLSC/3551/2015 dated 16.04.2015 in canceling the caste certificate of the petitioner as illegal, arbitrary, biased and the enquiry without following due procedure and contrary to the provisions of the Telangana State (SC, ST and BC) Regulation of issue of Community Certificates Act, 1993 and Telangana State (SC, ST and BC) Regulation of issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and unconstitutional besides against to the principles of natural justice.”

Heard Sri B.Srinivas Reddy, learned counsel for the petitioner, learned Government Pleader for Social Welfare and learned Government Pleader for Revenue.

While referring to Section 7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act'), learned Government Pleader has taken preliminary objection regarding maintainability of the writ petition. Further, learned Government Pleader submits that against the order impugned in the writ petition, the petitioner has effective alternative remedy of appeal to the Government under Section 7(2) of the Act.

Section 7(2) of the said Act reads as under :-

“Any person aggrieved by an order passed under Section 5, by the District Collector may, within thirty days from the date of publication of such order in the Andhra Pradesh Gazette, appeal to the Government and the Government may, after giving the appellant an opportunity of being heard and subject to such rules as may be prescribed, confirm or set aside the order appealed against.”

In view of the above provision of law, which provides alternative remedy to the petitioner, this Court is not inclined to entertain the writ petition.

For the aforesaid reasons, the Writ Petition is dismissed. However, petitioner is at liberty to avail alternative remedy of appeal against the impugned order dated 16.04.2015 within a period of two weeks from the date of receipt of a copy of this order. If such an appeal is filed, the respondents shall consider the same and pass appropriate orders in accordance with law. No costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

Date : 02.06.2015

ssp