

THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY THIS THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE MR JUSTICE A.V.SESHA SAI

WRIT PETITION No.15561 of 2015

Between:

C.K.Hari Janardhan

..... PETITIONER

AND

The State of Andhra Pradesh,
Rep.by its Principal Secretary,
Social Welfare Department,
A.P.Secretariat, Hyderabad and 8 others

.....RESPONDENTS

The Court made the following:

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

WRIT PETITION No.15561 of 2015

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ORDER:

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This writ petition is filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, seeking to declare the inaction of respondents Nos.1 to 5 in passing appropriate orders after finalization of the enquiry in pursuance of the letter in Rc.No.S2/4522/YSR-KDP-G/2013, dated 01.10.2013 of the A.P.State Commission for SCs and STs with regard to the genuineness of the caste claimed by respondents 7 to 9 as illegal, unreasonable, unwarranted, unjustified and unsustainable and direct the respondents 1 to 5 to complete the enquiry and pass final orders with regard to the caste of respondents Nos.6 to 9.

2. Heard Sri P.Veera Reddy, learned senior counsel, appearing for Sri Karri Murali Krishna, learned counsel on record for the petitioner, the learned Government Pleader for Social Welfare (A.P) and the learned Government Pleader for Revenue (A.P), appearing for the official respondents.

3. The case of the petitioner herein is that the petitioner herein and the 6th respondent are the natural brothers, the 7th respondent is the wife of the 6th respondent, and respondents Nos.8 and 9 are children of respondents Nos.6 and 7. It is averred in the writ affidavit that the petitioner and respondent No.6 belong to "Chittari" Caste, which is categorized as BC-B group. The grievance of the petitioner herein is that respondents Nos.7 to 9 are claiming the status of Scheduled Caste, as if they belong to "Muchi" caste. The further

grievance of the petitioner herein is that respondents Nos.6 to 9 are enjoying the benefits that are provided to the Scheduled Caste people, though they do not belong to Scheduled Caste. It is further stated that Respondents Nos.6 to 9 caused grave hardship and injury to the petitioner by filing cases with false allegations under the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. It is further stated that the petitioner herein submitted a representation to the Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes, complaining about the misuse of benefits given to Scheduled Caste people by respondents Nos.6 to 9 and requested the Commission to cancel the Scheduled Caste certificates granted to Respondents Nos.6 to 9.

4. It is further averred in the writ affidavit that the Officer on Special Duty of Andhra Pradesh State Commission for Scheduled Castes and Scheduled Tribes, by virtue of a letter in Rc.No.S2/4522/YSR-KDP-G/2013, dated 01.10.2013, requested respondents Nos.2 and 4 herein to conduct necessary enquiry and take appropriate action. According to the petitioner, on 05.02.2014, he submitted a representation to various authorities with regard to the false caste status being claimed by respondents Nos.6 to 9 and the same was followed by another representation dated 25.11.2014, submitted to the 2nd respondent. In the above circumstances, complaining inaction on the part of the official respondents, the present writ petition came to be filed.

5. When the matter is called today, a letter bearing Ref.No.C5/81/M/2014, dated 16.06.2015, addressed by the Collector & District Magistrate, Y.S.R.District, the 4th respondent herein, to the Office of the Government Pleader for Revenue (A.P) High Court, Hyderabad has been placed before the Court by the learned Government Pleader for Revenue.

6. It is stated in the said letter that vide letter dated 31.10.2013, the Commissioner of Social Welfare, Andhra Pradesh, Hyderabad informed that Sri C.Hariraja, S/o.late C.Narasimhulu, resident of D.No.2/654-B, Nehru Nagar, Kadapa Town and Mandal has obtained Scheduled Caste certificate and requested to take up the said case by the District Level Scrutiny Committee under the Chairmanship of the Joint Collector under the category of doubtful claim under Section 5 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and pass suitable orders. It is further stated in the said letter that the District Collector has referred the case to the Joint Collector & Chairman of District Level Scrutiny Committee for enquiry with regard to the caste status of Sri C.Hariraja, S/o.late C.Narasimhulu. It is further stated in the letter that in response to the notice of enquiry, the individual attended the enquiry on 26.07.2014 before the District Level Scrutiny Committee and gave his deposition.

7. It is further stated in the said letter that Sri C.Hariraja, S/o.late C.Narasimhulu, native of Chennai, Tamilanadu State has admitted that he does not belong to Scheduled Caste and he belongs to "Chittari" (B.C) community. In the said letter it is also stated that Sri C.Hariraja has also admitted that his wife belongs to "Muchi" (SC) community, and therefore, the individual claimed status of "Muchi" (SC) community to his children, viz., (1) Chittari Hari Padmini Priyanka, (2) Chittari Hari Prudvi Raj and (3) Chittari Hari Bhanu Prakash. It is also stated in the said letter that further enquiry is needed for determining the caste status of the children of Sri C.Hariraja and time is required to enquire into the caste status of Smt.Vellala Lalitha Kumari, D/o.V.Seshagiri Rao, and W/o.Chittari Hariraja, native of Guntur Town and Mandal, Guntur District. It is further stated in the said letter that the matter has been referred to the Revenue Divisional Officers, Kadapa and Guntur

to hold enquiry and submit their reports and the reports of the Revenue Divisional Officers, Kadapa and Guntur are awaited.

8. It is further stated in the letter that notices were issued to Smt.Vellala Lalitha Kumari, W/o.C.Hariraja and Sri Vellala Madhusudhana Rao, S/o.V.Seshagiri Rao with a request to appear before the District Level Scrutiny Committee on 12.05.2015. The individual Smt.Vellala Lalitha Kumari has attended the enquiry on 12.05.2015 before the District Level Scrutiny Committee and gave her deposition.

9. While reiterating the contents of the said letter, a request is made by the learned Government Pleader to grant some more time for completion of the enquiry.

10. As evident from the material on record, in the instant case, under Rule-9(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (hereinafter referred to as "the Rules"), the District Collector referred the matter to the District Level Scrutiny Committee and notice was issued to the 6th respondent on 05.03.2014. But till date, there is no conclusion of the enquiry by the District Level Scrutiny Committee.

11. According to Rule 9(6) of the Rules, the District Level Scrutiny Committee shall furnish its findings on the issue to the District Collector within a period of 60 days from the date of receipt of the reference from the District Collector, and the District Collector, as per Rule 9(7) of the Rules, shall pass appropriate orders, within a period of one month from the date of receipt of the findings of the District Level Scrutiny Committee.

12. In the instant case, the said statutory period came to end long back, but the enquiry is not completed and no final orders are passed, as stipulated under the Rules.

13. In the circumstances, the Writ Petition is disposed of, directing the official respondents Nos.4 and 5 herein to complete the enquiry and pass appropriate orders, in accordance with law, on the complaint of the petitioner, as expeditiously as possible, keeping in view the above referred Rules. No order as to costs.

Pending Miscellaneous Petitions, if any, shall stand closed in consequence.

A.V.SESHA SAI,J

Date: 22.06.2015
Dsr