

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

W.P.No.29220 of 2008

ORDER:

This writ petition filed under Article 226 of the Constitution of India, challenges the orders passed by the first respondent/State Government vide G.O.Ms.No.213, dated 20.11.2008, confirming the orders passed by the second respondent/District Collector vide proceedings Rc.No.C6.1306/M/2004, dated 08.09.2005.

2. Heard Sri G.V.Shivaji, learned counsel for the petitioner and the learned Advocate General for the Respondents apart from perusing the material available before the Court.

3. Pursuant to the orders passed by this Court in W.P.No.22498 of 2004 and W.P.No.12832 of 2005, dated 19.08.2005, the District Collector/Second respondent herein passed an order vide proceedings Rc.No.C6.1306/M/2004, dated 08.09.2005, rejecting the claim of the petitioner for issuance of Schedule Caste certificates in favour of the children of the petitioners. Aggrieved by the said orders passed by the District Collector/Second respondent herein, the petitioner herein preferred statutory appeal under the provisions of Section 7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (hereinafter called 'the Act') before the first respondent State Government. The first respondent/State Government vide G.O.Ms.No.213, dated 20.11.2008, rejected the said appeal filed by the petitioner herein, confirming the orders passed by the District Collector. Questioning the validity of the said orders passed by the appellate and primary authorities/respondents 1 and 2 herein, the present writ petition came to be instituted.

4. It is contended by the learned counsel for the petitioner herein that

the orders passed by the respondents 1 and 2 herein are highly illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India besides being opposed to the very spirit and object of the provisions of the Act and the Rules framed thereunder. It is contended by the learned counsel for the petitioner further that the impugned orders are also in violation of the principles of natural justice and the second respondent/District Collector grossly erred in passing the impugned order rejecting the claim of the petitioner without furnishing thereport of the District Level Scrutiny Committee. It is the further submission of the learned counsel for the petitioner that the orders passed by the first respondent/Secretary to Government are totally one without jurisdiction as the Hon'ble Minister on 16.06.2008 already made an endorsement in the minutes of the meeting held on 16.06.2008, cancelling the orders passed by the District Collector. It is also the submission of the learned counsel for the petitioner that being a statutory revisional authority, it is obligatory on the part of the first respondent to assign cogent and convincing reasons for arriving at the conclusions and the first respondent herein failed to adhere to the same.

5. On the contrary, it is contended by the learned Advocate General, appearing for the respondents that there is no illegality nor procedural infirmity in the impugned orders and in the absence of the same, the present writ petition is not maintainable and the petitioner herein is not entitled for any relief from this Court under Article 226 of the Constitution of India. It is also contended by the learned Advocate General that only after giving complete opportunity to the petitioner, the primary as well as the appellate authorities passed the orders impugned, as such, the petitioner herein cannot complain any violation of the principles of natural justice.

6. In the above backdrop, now the issue that boils down for consideration of this Court is:

“Whether the orders impugned in the present writ petition are sustainable and tenable and whether the same are in

accordance with law?

7. The information available before the Court candidly discloses that as against the orders passed by the primary authority/second respondent herein on 08.09.2005, rejecting the claim of the petitioner, the petitioner herein preferred a statutory appeal before the State Government/first respondent herein on 12.12.2005. It is clear from the material available on record that the petitioner herein obtained information with regard to the minutes of the meeting held on 16.06.2008 under the Right to Information Act and the same would disclose that the Hon'ble Minister came to a conclusion for cancelling the proceedings issued by the District Collector.

8. A perusal of the orders passed by the Government vide G.O.Ms.No.213, dated 20.11.2008, in clear and unequivocal terms, reveals that except extracting the contentions advanced on behalf of the petitioner and recording the observations of the District Level Scrutiny Committee, first respondent herein did not undertake any independent enquiry with regard to various aspects raised by the petitioner herein including the violation on the part of the second respondent to furnish the copy of the report submitted by the District Level Scrutiny Committee. It is also clear from the impugned Governmental Order that the first respondent did not assign any reasons. It is a settled and well established proposition of law that any orders passed by the quasi judicial authorities should necessarily be supported by valid and convincing reasons and the same is conspicuously absent on the face of the impugned Governmental Order.

9. The facts and circumstances and the material available on record drives this Court towards an irresistible conclusion that the questioned orders passed by the first respondent cannot be sustained in the eye of law.

10. For the aforesaid reasons, the writ petition is allowed in part, setting aside the G.O.Ms.No.213, dated 20.11.2008 passed by the first respondent and the matter is remanded to the first respondent for fresh

consideration, in accordance with law, after giving notice and opportunity of being heard to the petitioner herein. This exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. Till such exercise reaches finality, *status quo* as on today shall be maintained. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:29.12.2015

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

W.P.No.29220 of 2008

Dated: 29th December, 2015

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