

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No. 2613 of 2015

DATE: 26.02.2015

Between:

Masarapu Rekha
Petitioner

□ □

And

1. The Tahsildar
 2. The Joint Collector and Addl. District Magistrate
 3. The State of A.P.
 4. Data Management Corporation
- Respondents

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ORDER:-

The petitioner asserts that the 3rd respondent-Government of Andhra Pradesh entrusted contractual work of running Meeseva Project in four Districts including Krishna District with the 4th respondent – Data Management Corporation, and the

4th respondent, vide Memorandum of Agreement, dated 01.04.2013, allotted one Meeseva Counter to the petitioner to provide services to the general public. On 22.08.2014, one Mr.Srinu, who worked with Village Revenue Officer / Mandal Revenue Officer, came to the Meeseva Counter along with one applicant namely Pallapothu Saikumar, who having claimed his caste as “Gowda”, submitted an application to the petitioner for issuance of Caste Certificate, and the petitioner processed his application through online, and after verification of the same, the 1st respondent-Tahsildar approved it and issued caste certificate. While so, the petitioner states that a string operation was conducted by a TV channel namely D-Channel wherein it was telecast that an unauthorized person Srinu alias Obama took some amount from a person and got the caste certificate issued in favour of the applicant, P.Saikumar, who was allegedly obtained caste certificate as belonging to “Yadava”, a B.C Community. Thereupon, the 1st

respondent, on 26.08.2014, seized the Meeseva Counter from the petitioner and reported the issue to the 2nd respondent - Joint Collector and Additional District Magistrate vide letter dated 11.12.2014. Now, the petitioner's grievance is that the 2nd respondent, without issuing show cause notice and without affording any opportunity of being heard and without conducting enquiry over the alleged irregularity, issued proceedings dated 27.12.2014 directing e-District Manager, Krishna District to de-activate the petitioner's Meeseva Counter with immediate effect. Hence, the present writ petition is filed seeking appropriate directions.

Heard the learned counsel for both the parties and perused the material placed on record.

The issue relating to provision of a Meeseva Operator is basically between the 3rd respondent-Government and the 4th respondent-Corporation which is an over-all in-charge and a responsible Service Provider. The provision of all services by the 4th respondent is totally governed by a contract between the 3rd and 4th respondents. The petitioner is an agent of the

4th respondent. In all fairness, the 2nd respondent being the administrative head of the District, would have directed the 4th respondent to verify and take necessary action and the 2nd respondent himself could not have taken any action on the petitioner. However, having regard to the facts of the case, I am not inclined to interfere with the impugned order dated 27.12.2014, but leave the issue for reconsideration of

the

2nd respondent by taking into account various aspects including the legalities involved as defined in Part-2(b) and 2(c) of the orders issued by the Government in G.O.Ms.No.10, dated 18.10.2011. The petitioner is at liberty either to make a representation or to file an appeal before the 2nd respondent seeking to reconsider the issue and as and when such representation / appeal is filed, the 2nd respondent shall consider the same keeping in view various aspects including the desirability of taking into account the responsibility of the operators who are in fact required to be responsible and answerable to the 4th respondent.

With the above observation, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of the writ petition, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

CHALLA KODANDA RAM,

J

26.02.2015

bcj