

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.5333 OF 2011

DATED 08TH SEPTEMBER, 2015

Between:

A. Chendulal and another

.. Petitioners

and

The District Collector, Mahaboobnagar
District and another

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.5333 OF 2011

ORDER

This writ petition was filed assailing the proceedings dated 17.12.2010 passed by the Collectorate, Mahaboobnagar District, Government of Andhra Pradesh, whereby the Scheduled Area Certificates issued to the petitioners individually on 29.12.2008 were cancelled.

By order dated 04.03.2011, this Court granted interim suspension of the impugned proceedings.

Admittedly, the petitioners, who are brothers, were issued community, nativity and date of birth certificates individually in the years 1998 and 2001 respectively. These certificates bear out the fact that they belong to a Scheduled Tribe and that they were natives of Balmoor Village and Mandal in Mahaboobnagar District. While so, the petitioners were asked to obtain Agency Area Certificates in connection with securing teacher jobs in the Scheduled Tribe Agency quota in the year 2008. They accordingly obtained the subject individual certificates dated 29.12.2008. The genuineness of these certificates was doubted and upon enquiry by the District Level Scrutiny Committee, they were found to be invalid as the petitioners were allegedly not residing at Balmoor Village. Acting upon the enquiry findings, the District Collector, Mahaboobnagar, issued the impugned proceedings dated 17.12.2010 cancelling the Agency Area Certificates/Schedule Area Certificates obtained by the petitioners on 29.12.2008.

It is stated before this Court that this very issue fell for consideration before a Division Bench of this Court in **S.**

**VIJAYAKUMAR V/s. DISTRICT EDUCATIONAL OFFICER,
ADILABAD DISTRICT^[1]**

The facts of the said case, as are evident from a reading of paras 8 to 10 of the judgment, were that the petitioner therein also obtained a caste, nativity and date of birth certificate in the year 2001 under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for brevity, 'the Act of 1993'). Thereafter, he obtained an Agency Area Certificate in the year 2006 and the genuineness thereof was doubted. By adopting the procedure prescribed under the Act of 1993 and the Rules framed thereunder in the context of the genuineness of the certificates issued under the said Act, an enquiry was conducted and on the basis of the findings recorded therein, the Agency Area Certificate issued to the petitioner in that case was cancelled. In this context, the Division Bench observed as under:

'It is no doubt true that in case, the certificate is issued under the Act and the Rules and the same is cancelled by the District Collector, after following the procedure prescribed, the only remedy for the aggrieved party is to prefer an appeal. It has already been mentioned that the only certificate that can be traced to the Act and the Rules is the one, dated 28.5.2001. No one has expressed any doubt about the genuinity of that certificate. The doubt was expressed only about the certificate, dated 3.2.2006, which did nothing more than reflecting a small facet of what is already contained in the certificate, dated 28.5.2001. There was no basis or justification for the 2nd respondent in referring the matter to the committee, when the certificate, dated 3.2.2006 was not at all referable to the Act and the Rules. The whole exercise was arbitrary and a genuine Scheduled Tribe was unlawfully denied the opportunity of being appointed.'

In the light of the aforestated dictum which is binding on this Court, it is clear that as long as the petitioners' certificates of the years 1998 and 2001 were not doubted, it was not open to the authorities to apply the procedure under the Act of 1993 and the Rules framed thereunder to the subsequent agency area certificates which had nothing to do with the said legal frame work. The whole exercise, as pointed out by the

Division Bench, was arbitrary and without legal basis.

The writ petition is therefore allowed setting aside the impugned proceedings dated 17.12.2010 of the District Collector, Mahaboobnagar District. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

08th SEPTEMBER, 2015
Svv

[\[1\]](#) 2014(1) ALD 94 (DB)