

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

THURSDAY THE FIRST DAY OF OCTOBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 32133 OF 2015

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Between:

Gandu Prathi Babu ... Petitioner

Vs.

The State of Telangana

Represented by its Prl.Secretary,

Social Welfare Department,

Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri C. Naresh Reddy

Counsel for the Respondents: GP for Social Welfare [TG]

GP for Revenue [TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 32133 OF 2015

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ORDER :

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

“To declare the order dated 16/09/2015 issued by respondent No.3 as illegal, arbitrary, unconstitutional and contrary to the provisions of A.P. [SC ST & BCs] Regulation of Issue of Community Certificates Act, 1993 and Rules 1997 and to direct the third respondent to issue Digital backward class community certificate to the petitioner as belonging to “Gandla” community and to grant such other suitable relief as this court deems fit and proper in the circumstances of the case.”

2. Heard Sri C. Naresh Reddy, learned counsel for the petitioner, learned Government Pleader for Social Welfare for respondents 1 and 4 and the learned Government Pleader for Revenue for respondents 2 and 3.

3. It is submitted by the learned Government Pleaders that the petitioner herein belong to 'Reddy Gandla Community' but not 'Gandla' and as such he is not entitled for any relief from this court. It is also submitted by the learned Government Pleader that the Government issued memo to the said effect.

4. It is submitted by the learned counsel for the petitioner that the issue involved in the present writ is squarely covered by the orders of this court in WP.No. 17508 of 2015 dated 06/7/2015 and a copy of the same is placed on record along with the writ petition. In the case on hand also, the petitioner herein rely upon Community, Nativity and Date of birth Certificate bearing No. C/381/2010, dated 17/8/2010 issued by the Tahsildar, Kataram Mandal, Karimnagar district.

5. In the circumstances, there shall be a similar direction as in the above writ petition, which is as follows:

"Since the Community, Nativity and Date of birth Certificate issued by the Tahsildar, as mentioned above, are admittedly, still in force, the respondents, shall within two days from the date of receipt of a copy of this order, furnish the petitioner a digital copy of the said certificate. It is made clear that this order shall not preclude the respondents from initiating action under section 5 of the A.P. [SC ST & BCs] Regulation of issue of Community Certificates Act, 1993 for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said certificate is false."

6. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

01/10/2015

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HONOURABLE SRI JUSTICE A.V. SESA SAI

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