

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

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT APPEAL NO.142 OF 2015

DATED:26.2.2015

Between:

Giddi Sophyamma, W/o Rambabu, 40 years, Occu: Sarpanch,
Udumidi Village, P.Gannavaram Mandal, East Godavari District.

... Appellant.

And

The District Level Scrutiny Committee, East Godavari at Kakinada,
represented by its Chairman-cum-Joint Collector and others.

... Respondents.

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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WRIT APPEAL NO.142 of 2015

JUDGMENT: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This appeal has been filed against the judgment and order of the Hon'ble Trial Judge, dated 01.12.2014 in the writ petition filed by the appellant – writ petitioner. His Lordship has been pleased to dismiss the writ petition deciding the matter on merit. The writ petition has been filed challenging a notice for holding an enquiry with regard to the caste certificate issued to the writ petitioner. According to us, the writ petition should not have been entertained for decision on merit, as it is a premature stage. Merely notice has been issued for holding an enquiry and it is done so within his legal competence, as the power of the authority concerned was not questioned.

We therefore dispose of the appeal modifying the order of the Hon'ble Trial Judge that the authority concerned must give a hearing to the appellant and take note of all the contentions, which might be raised before him, and pass a speaking order. We are told that the enquiry has not reached to its logical conclusion. Under these circumstances, the reasoning and findings of the Hon'ble Trial Judge are not to be taken into account by the authority concerned who shall take his own decision in accordance with law. This entire exercise shall be completed within a period of eight (8) weeks from the date of

communication of this order.

Pending miscellaneous petitions, if any, shall also stand dismissed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

26.2.2015

BNR / GJ