

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.21582 OF 2008

DATED 02nd JULY, 2015

Between:

V. Komaraiah

.. Petitioner

and

Government of Andhra Pradesh rep. by its
Principal Secretary, Social Welfare (CV-2)
Department and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.21582 OF 2008

ORDER

This writ petition was filed challenging the memo dated 09.07.2008 of the Government of Andhra Pradesh dismissing the petitioner's review petition and confirming G.O.Ms.No.61, Social Welfare (CV.I) Department, dated 01.04.2008, whereby the petitioner's appeal against the proceedings dated 23.04.2000 of the District Collector, Warangal, was rejected. By the proceedings dated 23.04.2000, the District Collector, Warangal, cancelled the Scheduled Caste (Madiga Caste) Certificate issued to the petitioner holding him to be a Yadava by caste.

The records were called for by this Court and upon perusal thereof, it is found that at the primary level itself, there was a violation of the procedure prescribed under the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for brevity, 'the Rules of 1997') which were framed under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. Rule 8(7) of the Rules of 1997 requires the District Level Scrutiny Committee to examine the report of the enquiry conducted by the Revenue Department, furnished to it by the competent authority, and thereafter finalize its recommendations as to whether the community claim of the applicant was found to be false or genuine.

In the present case, the matter was referred to the Scrutiny

Committee by the District Collector, Warangal, but upon receipt of the report from the Mandal Revenue Officer, Narsimhulpet, and the report of the Deputy Director (Social Welfare), Warangal, the same were not forwarded to the District Level Scrutiny Committee as required under Rule 8(7) of the Rules of 1997. It appears from the proceedings dated 23.04.2000 that the District Collector, Warangal, straight away acted upon the said reports without awaiting or seeking the recommendations of the District Level Scrutiny Committee. This breach of the prescribed procedure therefore vitiates the entire exercise.

The writ petition is accordingly allowed setting aside all the proceedings impugned herein. The matter is remitted to the District Collector, Warangal, for consideration afresh after following the due procedure from the stage of submission of reports by the authorities concerned. The District Collector, Warangal, shall forward the said reports to the District Level Scrutiny Committee and call for its recommendations as per Rule 8(7) of the Rules of 1997 and take appropriate action in the matter thereafter in accordance with law.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

02nd JULY, 2015

Note: Issue CC in one week

B/o PGS