

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 41105 OF 2016

ORDER :

This Writ Petition has been filed to declare the action of the respondents in not issuing the caste certificate to the petitioner in terms of the existing caste certificates issued by the 4th respondent in 2000 and 2005, as illegal and arbitrary.

The petitioner is stated to have been selected for the post of Secondary Grade Teacher (Telugu) under BC-A quota. Thereafter, when she produced the certificates, such as study, nativity, caste, etcetera for verification, the Verification Officer asked her to produce the latest caste certificate in the place of the one which was of the year 2000. Hence, she applied for issuance of a caste certificate, as she belongs to 'Agnikula Kshatriya' which falls under BC-A category, but the same was not considered by the Tahsildar, Vijayapuram Mandal, the 4th respondent herein. Questioning the same, the petitioner filed Writ Petition No. 4677 of 2016, wherein this Court, on 12.02.2016, granted interim direction to the 4th respondent to forthwith issue a caste certificate in terms of the existing certificate, pursuant to which, the 4th respondent conducted the inquiry and made an endorsement dated 27.02.2016 rejecting the application dated 02.02.2015 of the petitioner on the ground that from the material available with the department, there were no permanent caste certificates issued between 01.01.2000 and 10.01.2000 and hence, the certificate dated 03.01.2000 said to have been issued to the petitioner was a non-existing one. While so, the petitioner made a representation to

the 2nd respondent District Collector, who is the competent authority in terms of Section 7 of the A.P.(SC., ST & BCs) Regulation of Issue of Community Certificates Act, 1993, who directed the incumbent Tahsildar to submit a report. The 4th respondent conducted a detailed enquiry and submitted a report to the 2nd respondent *vide* proceedings dated 16.09.2016 whereunder it was observed that the other family members of the petitioner were given caste certificates as they belong to 'Agnikula Kshatriya' hence, requested the 2nd respondent to take a decision accordingly, but, so far, the 2nd respondent has not passed any orders thereon.

Learned counsel for the petitioner vehemently contends that though the petitioner has been selected as Secondary Grade Teacher, on account of non-production of the latest caste certificate, she has not been allowed to join that post and hence, he requests that a direction be given to the 5th respondent to treat the certificate produced by the petitioner as a valid one, since the same was neither suspended nor cancelled. He placed reliance upon Rule 21 of the A.P.S.C.S.T. and Backward Classes - Issuance of Community, Nativity and Date of Birth Certificates Rules, 1997.

Heard learned Government Pleader for Social Welfare (Andhra Pradesh).

From a perusal of the material available on record, it is to be seen that in the endorsement dated 27.02.2016, the Tahsildar had categorically held that as per the records available with the department, no certificate was issued to anybody between 01.01.2000 and 10.01.2000 and there was no entry in the

permanent caste certificate register maintained in their office of any certificate having been issued in favour of the petitioner on 03.01.2000. Aggrieved by the said endorsement, the petitioner has approached the 2nd respondent and based on the instructions given by him, the 4th respondent has already submitted a report on 16.09.2016. In that view of the mater, it is now the 2nd respondent, who has to take a decision after considering the material as well as the report of the Tahsildar.

Since the petitioner claims that she has been selected as the Secondary Grade Teacher, in the interests of justice, the 2nd respondent is directed to take into account and consideration the reports submitted by the respective incumbent Tahsildars, the material already available on record and the one, as may be submitted by the petitioner and pass necessary orders as to the entitlement of the petitioner to be issued a caste certificate, including the genuineness or otherwise of the certificate already produced by her. This entire exercise shall be completed within four weeks from the date of receipt of a copy of this order.

With this, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

CHALLA KODANDA RAM, J

28th November 2016

Issue CC in two days.
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