

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.35621 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent No.4 in not issuing the permanent S.T. Caste Certificate "Konda Reddy" to the petitioner as illegal, arbitrary and contrary to the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short, "the Act") and the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and violative of Articles 14 and 21 of the Constitution of India and consequently, to direct respondent No.3 to grant S.T. Caste Certificate "Konda Reddy" to the petitioner.

2. It is stated in the affidavit filed in support of the writ petition as follows:

The petitioner belongs to Kondareddy tribe of S.T. community and he completed S.S.C. examination in March, 2005. Thereafter, he passed Senior S.S.C. of Central Board of Secondary Education in the year 2007 and later, appeared for EAMCET-2008 on 8.5.2008 and secured rank of 93270. The petitioner was issued caste certificate by the then Tahsildar, Rampachodavaram Mandal, East Godavari District to the effect that he belongs to Kondareddy tribe after due verification as per the procedure. However, the certificate was restricted for education purpose for the year

2002-2003. The father of the petitioner was issued caste certificate by respondent No.4 stating that he belongs to Kondareddy tribe of ST community. The petitioner made an application to respondent No.4 to issue a caste certificate on 25.6.2008 to enable him to participate in the Engineering Counseling. However, the caste certificate has not been issued. Hence, he filed W.P.No.14825 of 2008 before this Court and this Court passed an order in W.P.M.P.No.19154 of 2008 directing respondent Nos.2 and 3 therein to permit him to appear for counselling on the basis of the caste certificate issued by respondent No.1 on 13.9.2002 subject to undertaking of producing social status certificate at the time of admission. Later, the petitioner filed W.P.No.22840 of 2008 seeking a direction to the respondents therein to issue an allotment letter for pursuing engineering for which, this Court directed them to allot the seat by treating the petitioner as Kondareddy Tribe of S.T. community and further, directed the petitioner to cooperate with the enquiry initiated by the Director of Tribal Welfare with all necessary material to substantiate his claim that he belongs to Kondareddy Tribe of S.T. community and the same is still pending.

In the year 2008, the petitioner made an application to the concerned officer under Section 3 of the Act for issuance of the caste certificate, but the competent authority has not issued any caste certificate till now. The petitioner completed B.Tech and is inclined to become a public servant for which, the caste certificate is necessary for his employment in Government Sector. Hence, he filed the present writ petition.

3. Heard and perused the records.

4. In W.P.No.22840 of 2008, this Court directed the concerned authorities to conduct enquiry as per the provisions of law and decide the caste of the petitioner. Even though the said order was passed in the year 2008, till date, no orders are passed by respondent No.3 herein. Now, the petitioner has completed his B.Tech., and in search of job in Government Sector. Since he is necessarily in need of caste certificate to secure a job, he approached this Court to direct respondent No.3 to complete the enquiry and to issue caste certificate within a stipulated period and in case, respondent No.3 fails to issue the caste certificate within the stipulated period, to direct him to issue a provisional certificate for employment purpose. Hence, respondent No.3 – The District Collector, East Godavari District, Kakinada is hereby directed to conclude the enquiry regarding the caste of the petitioner on or before 30.1.2017 and pass appropriate order. If there is any failure on the part of respondent No.3 to pass any such order on or before 30.1.2017, he shall issue a provisional certificate to the petitioner for the purpose of seeking job.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

21.10.2016
AMD

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