

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.18901 OF 2006

ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Social Welfare (TS) for first respondent.

2. The present writ petition is filed challenging the proceedings of the first respondent dated 17.12.2005 in canceling the caste certificate of the petitioner.

3. It is the case of the petitioner that his father died on 10.11.2003 while he was working as Engineering Gangmate in South Central Railway. After his death, the petitioner applied to the Railway Authorities for appointment on compassionate grounds and he was appointed as Trackman on 07.08.2004. While the petitioner was working as such, he received a communication dated 15.07.2006 from the second respondent proposing to terminate his services in view of the proceedings issued by the first respondent on 17.12.2005 stating that the petitioner belongs to OBC community, but he produced the caste certificate dated 28.06.2004 as if he belongs to Konda Kapu under ST community. Challenging the said proceedings of the first respondent, the present writ petition is filed.

4. A perusal of the impugned order dated 17.12.2005 passed by the first respondent shows that the matter was enquired by Mandal Revenue Officer, Amadalavalasa, and on the basis of the said enquiry, the first respondent came to the conclusion that the petitioner does not belong to Konda Kapu (ST). Since the impugned order was passed without conducting proper enquiry as contemplated under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993, the impugned order is set aside and the matter is remanded to the first respondent for conducting enquiry afresh in accordance with the

provisions of the said Act and complete the same within a period of six months from the date of receipt of a copy of this notice, after giving due opportunity to the petitioner.

5. The writ petition is accordingly allowed. Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 11.03.2016
TJMR