

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

MONDAY THE TWENTYFIFTH DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 22697 OF 2006

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Between:

Mahanti Lava ... Petitioner

Vs.

The Government of Andhra Pradesh
Rep. by its Addl. Secretary,
Social Welfare Department, Secretariat,
Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri B. Nageswara Rao

Counsel for the Respondents: GP for Social Welfare

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 22697 OF 2006

ORDER:

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This writ petition filed under Article 226 of the Constitution of India calls in question the memo bearing No. 11432/CV.2/2006-1, dated 17/10/2006 issued by the first respondent-State Government, dismissing the appeal filed by the petitioner thereby confirming the order passed by the District Collector-second respondent vide Proceedings [M] Rc.No. 1683/2001, C5 dated 01/09/2006.

2. Heard learned counsel for the petitioner and the learned Government Pleader for Social Welfare for the respondents apart from perusing the material placed before the Court.

3. The District Collector, Vizianagaram district, second respondent herein pressed into service the provisions of the A.P. [SC, ST & BCs] Regulation of Issue of Community Certificates Act, 1993 [hereinafter called 'the Act'] and passed an order vide Proceedings [M] Rc.No. 1683/2001, C5, dated 01/09/2006, cancelling the caste certificate issued in favour of the petitioner by the Mandal Revenue Officer, G.L. Puram. Aggrieved by the said order passed by the second

respondent, petitioner preferred statutory appeal before the State Government-first respondent under section 7 of the Act. By way of impugned memo dated 17/10/2006, the first respondent-State Government dismissed the said appeal filed by the petitioner. Calling in question the validity and legal sustainability of the said orders passed by the appellate and primary authorities, the present writ petition came to be filed.

4. This Court issued Rule Nisi on 07/06/2007. Responding to the Rule Nisi issued by this Court, counter-affidavit is filed by the second respondent-District Collector, denying the allegations and averments made in the affidavit filed in support of the petition and in the direction of justifying the impugned action . It is contended by the learned counsel for the petitioner that the orders under challenge are illegal, arbitrary, unreasonable and violative of Article 14 of the Constitution of India and opposed to the very spirit and object of the provisions of the Act and the Rules framed thereunder. It is further submitted that the first respondent-State Government passed the impugned order without issuing any notice and without affording any opportunity of being heard to the petitioner. It is further contended that the absence of any reasons in the impugned order would render the same illegal and unsustainable.

5. On the contrary, it is vehemently contended by the learned

Government Pleader that there is no illegality nor infirmity in the impugned orders and the authorities passed the impugned order as per the Act and Rules framed thereunder.

6. The material available on record manifestly discloses that as against the orders passed by the second respondent-District Collector, cancelling the caste certificate, the petitioner herein preferred statutory appeal under section 7 of the Act before the State Government, raising a number of grounds. A perusal of the impugned memo dated 17/10/2006 shows that except saying that the appeal petition of the petitioner has been examined, the first respondent-State Government did not assign any reasons for dismissing the appeal. It is the specific plea of the petitioner that without affording any opportunity of being heard, the first respondent passed the impugned order. Repelling the said contention, no plausible answer is forth coming in the counter-affidavit filed by the second respondent. In fact as per the provisions of Section 7 [2] of the Act, it is mandatory on the part of the respondent-authorities to afford reasonable opportunity. In the instant case the same is conspicuously absent.

7. Another significant aspect which cannot be lost sight of is that the first respondent, being a quasi-judicial authority, is required to assign cogent and convincing reasons for arriving at the conclusion. It

is a settled and well established principle of law that orders of the quasi-judicial authorities should necessarily be supported by valid and cogent reasons and the same is conspicuously absent in the instant case.

8. In these circumstances, this Court has no scintilla of hesitation to hold that the impugned orders passed by the respondents cannot be sustained in the eye of law. This Court is of the opinion that the matter needs to be heard afresh after affording the opportunity of hearing to the petitioner.

9. For the aforesaid reasons, the writ petition is partly allowed, setting aside the Memo.No.11432/CV.2/2006-1, dated 17/10/2006 issued by the first respondent-State Government and the appeal filed by the petitioner against the orders of the District Collector stands restored to file and the same is remanded to the first respondent for fresh consideration in accordance with law after giving notice and opportunity of hearing to the petitioner within a period of four months from the date of receipt of a copy of this order. Till such exercise attains finality, no coercive action shall be taken against the petitioner. No costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

25/01/2016
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HONOURABLE SRI JUSTICE A.V. SESA SAI

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