

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.25967 OF 2005**

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**ORDER:**

The challenge in the present writ petition is to the Memo bearing No.8576/CV.2/2005-1, dated 03.11.2005, issued by the State Government.

2. Heard Sri D.V.Nagarjuna Babu, learned counsel, appearing for the petitioner and learned Government Pleader for Social Welfare, appearing for the respondents.

3. The District Collector pressed into service the provisions of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (herein after, called 'the Act') and issued an order vide proceedings No.C5/6795/2003, dated 16.08.2005, cancelling the caste certificate issued in favour of the petitioner by the Mandal Revenue Officer, Zaffergadh, Warangal District. The District Collector passed the said order in exercise of powers conferred under Section 5(1) of the Act. As against the said order of cancellation passed by the District Collector, petitioner herein preferred a statutory Appeal under the provisions of Section 7 of the Act before the State Government. The State Government while taking Appeal petition filed by the petitioner on file for disposal as per the Act, issued a Memo bearing No.8576/CV.2/2005-1, dated 03.11.2005, rejecting the stay application filed by the petitioner along with the Appeal.

4. Challenging the validity and legal sustainability of the said Memo dated 03.11.2005, the present Writ Petition came to be filed. This Court, while ordering '*Rule Nisi*' on 19.12.2005, granted interim stay in W.P.M.P.No.33373 of 2005.

5. A counter affidavit is filed by the 1<sup>st</sup> respondent, on behalf of all the respondents, denying the averments made in the affidavit filed in support of the writ petition and in the direction of justifying the impugned action.

6. It is contended by the learned counsel for the petitioner that the impugned action of rejecting the stay application is highly illegal, arbitrary and violative of Article 14 of the Constitution of India. It is further submitted that the impugned action is also opposed to very spirit and object of the provisions of the Act and the rules framed thereunder. It is also the submission of the learned counsel that without assigning any reasons, the State Government rejected the stay application, which cannot be sustained in the eye of law.

7. On the contrary, reiterating the averments made in the counter affidavit, learned Government Pleader seeks to justify the impugned action by contending that there is no illegality nor there is any infirmity in the impugned action and the State Government is perfectly justified in rejecting the stay application and the same is in accordance with the provisions of the Act and the rules framed thereunder.

8. The information available before this Court discloses, in clear terms, that assailing the validity of the order of cancellation passed by the District Collector vide orders dated 16.08.2005, the petitioner herein preferred a statutory Appeal on 10.10.2005 under the provisions of Section 7 of the Act. Along with the said Appeal, the petitioner herein also filed an interlocutory application seeking suspension of the order impugned in the Appeal. The State Government vide Memo dated 03.11.2005, while requesting the District Collector to furnish parawise remarks and connected records on the Appeal petition filed by the petitioner for consideration of the Appeal as per the Act No.16 of 1993, rejected the interlocutory application.

9. A perusal of the impugned Memo abundantly makes it clear that except stating that '*there are no new grounds for consideration for grant of stay*', the State Government did not assign any valid reasons for rejecting the stay application. A perusal of the memo of grounds of Appeal filed before the State Government shows that the petitioner herein raised a number of grounds in order to substantiate her claim and the respondent State Government did not advert to any one of them.

10. It is a settled and well established proposition of Law that the orders of the Quasi Judicial Authorities should necessarily be supported by valid and convincing reasons. In the instant case, the same is conspicuously absent. Therefore, this Court is of the considered opinion that the impugned action of rejection of stay application by the State Government cannot be sustained in the eye of law.

11. For the aforesaid reasons, Writ Petition is allowed, declaring the Memo bearing No. 8576/CV.2/2005-1, dated 03.11.2005, as illegal, arbitrary and unjust; and consequently, the same is set aside; and it is open for the respondent – State Government to pass appropriate orders on the appeal filed by the petitioner, after giving notice and opportunity of being heard to the petitioner herein. Till such exercise attains finality, the interim order granted by this Court on 19.12.2005 in W.P.M.P.No.33373 of 2005 shall continue.

12. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

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**A.V.SESHA SAI, J**

**09.06.2016**  
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