

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.33566 OF 2015

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in not sending the recommendations of the scrutiny committee to the Competent Authority (R2) as bad, illegal, arbitrary, unconstitutional, clear violation of Articles 14, 21, contrary to Rule 8(7)(3) of Rules 1997 made under Act No.16/1993, and also contrary to Order dt.13.11.2013 of Hon'ble Supreme Court in Civil Appeal No.1696/2006 and consequently direct the 3rd respondent to send recommendations of the scrutiny committee to the competent authority (R2) in respect of the case referred under (M)Rc.No.876/2014/C5, dt. 28.01.2015, and to pass such other order or orders may deem fit and proper in the circumstances of the case.”

By order dated 13.11.2013 passed in Civil Appeal Nos.2509 of 2002 and 1696 of 2006, the Supreme Court observed that it would be appropriate that the question as to whether Rajendra Pratap Bhanj Deo belongs to Konda Dhora Caste be decided by the appropriate authority constituted under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short, 'the Act of 1993'), and the said authority was directed to decide the issue uninfluenced by the court orders relating to the brother, Aditya Pratap Bhanj Dev.

Pursuant to the afore-stated order, the Collector, Vizianagaram, issued proceedings dated 28.01.2015 calling upon the Project Officer, ITDA, Parvathipuram, to cause an enquiry by the District Level Scrutiny Committee, the authority constituted under the Act of 1993, into the caste status of Rajendra Pratap Bhanj Deo and submit the findings of the said committee within 45 days as per Rule 8(e) of the

Rules framed under the Act of 1993. The grievance of the petitioner presently is that despite the afore-stated communication having been issued as long back as in January, 2015, no steps have been taken to conclude the enquiry.

As this Court does not propose to venture into the merits of the matter, the failure on the part of the petitioner to implead Rajendra Pratap Bhanj Deo as a party respondent is not fatal to this case.

As the Collector, Vizianagaram, himself stipulated a timeframe in accordance with the rules for submission of the findings of the District Level Scrutiny Committee and as more than a year has elapsed since then, it is not open to the statutory authorities to drag their feet in matters of this nature and keep the issue pending unnecessarily.

The writ petition is accordingly disposed of directing the respondent authorities to ensure that the enquiry commenced pursuant to the order of the Supreme Court and as per the letter dated 28.01.2015 of the Collector, Vizianagaram, shall be completed and necessary action is taken thereupon in accordance with law expeditiously and in any event, not later than three months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

**JUSTICE SANJAY
KUMAR**

18th January, 2016
IBL