

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.28577 of 2016

ORDER:

Heard Mr. C. Naresh Reddy for petitioner and Assistant Government Pleader (Social Welfare) for respondents.

2. Petitioner challenges the endorsement dated 16.07.2016 as illegal, contrary to the mandate of the Andhra Pradesh (SC, ST and BCs) Regulation of Issue of Community Certificates Act, 1993 (for brevity, 'the Act'). According to petitioners once the social status of petitioners is accepted, certificate is issued and the said certificate is subsisting, the respondents cannot and could not by reference to Memo No.2976 C2 2010 dated 01.10.2010 refuse to issue Digital Community/Caste certificate.

3. Counsel appearing for petitioners submits that similar prayers are considered by this Court in a series of writ petitions and one of the orders in WP.No.23764 of 2013 dated 21.08.2013 reads thus:

“As Section 5 of the Act prescribes a procedure for cancellation it is only if, and after, the caste certificate issued in favour of the petitioner is cancelled can she be denied the benefits available to the backward classes. As long as the said certificate continues to remain in force, and no action has been taken under Section 5 of the Act, the petitioner is entitled to rely on the caste certificate issued in his favour in August, 2010 and claim all benefits to which a B.C.-B category candidate is entitled to.

Since the Community, Nativity and Date of Birth certificate issued by the Tahsildar in August, 2010 is, admittedly, still in force, the respondents shall, within two days from the date of receipt of a copy of this order, furnish the petitioner a digital copy of the said certificate. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Act for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false.”

4. I am satisfied the present writ petition can be disposed of in the same

terms as indicated above.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

August 24, 2016
DSK