

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.24404 OF 2007

ORDER:

The petitioner was employed as Traffic Apprentice on 27-08-1979 through Railway Service Commission. After completion of three years of training, he was regularly absorbed in Railways and posted as Yard Master at Moulali in the year 1982. At the time of his appointment, he submitted caste certificate issued by the Tahsildar, Chandragiri, certifying that he belongs to 'Goud' community, which is recognized as S.T. as per the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. Later on, he was posted as Station Superintendent, Traffic Inspector and was working as Station Manager. On the basis of the complaint received from the President, Andhra Pradesh SC & ST Employees Association, Hyderabad, the 2nd respondent wanted to conduct an enquiry and issued notice in Form No. VI. The petitioner appeared before the District Level Scrutiny Committee (for short 'DLSC') and submitted certain documents. On the basis of the documents and enquiry, DLSC came to the conclusion that the petitioner does not belong to 'Goud' (ST) community and the caste certificate issued by the Tahsildar, Chandragiri on 24-06-1977 and 18-12-1989 were cancelled. In the enquiry conducted by the Revenue Divisional Officer, Tirupathi, the petitioner stated that his father D.Raghavulu, formerly Assistant Station Master of Rajampet, Cuddapah District belongs to 'Balija' community and married Smt.Bheema Munirathnamma, D/o Late Bheema Rajaiah, who belongs to 'Goud' community, which is classified as S.T. and his mother was issued a caste certificate by the then Tahsildar, Chandragiri on 08-02-1977. He further stated that he is entitled to adopt the lower caste of either of the parents as per G.O.Ms.No.371, dated 13-04-1976 and hence, he is eligible for all concessions attached to him. The DLSC opined that the parents of the petitioner never resided in any agency tracts at any time and the Gouds residing in the plain areas are not entitled to social status of S.T. It also opined that except 'Goud' (ST) community certificate issued by the then Tahsildar, Chandragiri, in favour of the mother of the petitioner, there is no other document such as birth and death registers showing her caste as 'Goud' (ST) community. The finding recorded by the DLSC was accepted by the 2nd respondent and he passed an order on 22-12-2004 cancelling the caste certificate issued in favour of the petitioner. Challenging the same, the petitioner

preferred an appeal to the 1st respondent, who confirmed the same by order in G.O.Ms.No.97, Social Welfare (CV.2) Department, dated 11-10-2007. As a consequence to the same, the 4th respondent passed an order on 06-11-2007 issuing show cause notice to the petitioner as to why proceedings are not to be taken against him for producing bogus certificate in securing the employment. Challenging the order of the 1st respondent, dated 11-10-2007 and the order of the 4th respondent, dated 06-11-2007, the present writ petition is filed.

2. This Court, vide order, dated 19-11-2007 granted interim stay of all further proceedings pursuant to the proceedings of the respondents 1 and 2, dated 11-10-2007 and 22-12-2004 respectively. In the meanwhile, the petitioner retired from service on 30-10-2014 and all financial benefits were released to him. In spite of retirement of the petitioner, the social status of the petitioner was continued.

3. Learned counsel appearing for the petitioner submits that the social status of offspring of inter-caste marriages has to be independently considered and a decision has to be taken by the 2nd respondent in view of decision reported in **RAMESHBHAI DABHAI NAIKA V STATE OF GUJARAT AND OTHERS** [\[1\]](#).

4. In the instant case, as per the statement of the petitioner, his father belongs to backward class community, whereas his mother belongs to ST community. The social status of the mother of the petitioner was also doubted by DLSC as both the parents were residing in the plain area and the Gouds residing in the plain areas were held to be not entitled to the benefit of S.T. status. Be that as it may, in view of decision of the apex Court in **RAMESHBHAI's** case (1 supra), this Court is inclined to set aside the impugned orders passed by the respondents 1 and 2 without going into the merits of the case and accordingly, set aside the same and the matter is remanded to the 2nd respondent for consideration afresh in accordance with law after giving due opportunity to the petitioner and pass appropriate orders within a period of six months from the date of receipt of a copy of this order.

5. Accordingly, the writ petition is allowed to the extent indicated above. No order as to costs. Miscellaneous petitions, if any pending in this petition shall stand closed.

A.RAMALINGESWARA RAO, J

DATED: 01-04-2016

Hsd

[\[1\]](#) (2012) 3 SCC 400