

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO
WRIT PETITION No.38742 OF 2015

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ORDER:

Heard learned counsel for the petitioner and Government Pleader for Tribal Welfare for the respondents.

2) The petitioner in this writ petition has challenged the proceedings dated 20.11.2015 passed by the 3rd respondent denying to the petitioner Local Area certificate, which the petitioner requires in order to secure employment as a Secondary Grade Teacher since she had qualified in the eligibility test-cum-Teacher Recruitment Test 2014 for which examination was held on 09.05.2015.

3) The 3rd respondent had issued to the petitioner on 26.12.2014 Residence Certificate stating that the petitioner is a resident of Rajanagaram Village of Buttayagudem Mandal, West Godavari District. The 3rd respondent had also issued a Community, Nativity and Date of Birth Certificate on 22.08.2015 to the petitioner showing her as a resident of said place and also certifying that she belongs to Scheduled Tribe (Koya) community. When the petitioner applied for Local Area certificate, the

impugned endorsement was issued by

3rd respondent asking the petitioner to produce document of

1933 RSR/MDR relating to her father or grand father or sale deeds for the period prior to 1950 executed by her father or grand father and also her ancestors' Birth/Death certificate copies.

4) The 3rd respondent seems to have completely ignored the fact that the petitioner is a Scheduled Tribe and these documents, even for a non-scheduled tribe, would be impossible to procure. Having issued a Residence Certificate on 26.12.2014 as well as a Community Nativity and Date of Birth Certificate on 22.08.2015 certifying that the petitioner is a resident of Rajanagaram (V), Buttaigudem (M) of West Godavari District, it is not open to the 3rd respondent to pass the impugned order. It indicates a perverse mind set, rendering the said order is totally arbitrary.

5) Therefore, said order is set aside and the 3rd respondent is directed to issue a Local Area Certificate to the petitioner within two weeks from the date of receipt of a copy of this order, positively.

6) With above observations, the Writ Petition is allowed. No order as to costs. As a sequel, pending

miscellaneous petitions, if any, shall stand closed.

Justice M.S.Ramachandra Rao

13th April, 2016.

Note: Issue C.C. by 18.04.2016.

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