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

WRIT PETITION Nos.6326 and 11613 of 2010

COMMON ORDER:

Since these two writ petitions, filed under Article 226 of the Constitution of India by the same petitioner, are interrelated, they are heard together and are being disposed of by this common order.

2. Heard Sri C.Sri Krishnan, learned counsel for the petitioner and the learned Government Pleader for the Social Welfare for the respondents apart from perusing the material available before the Court.

2. By virtue of G.O.Ms.No.201, Social Welfare (CV.2) Department, dated 15.11.2008, the State Government rejected the appeal filed by the petitioner against the orders of the District Collector, East Godavari District dated 20.03.2008, cancelling the Schedule Tribe Caste certificate of the petitioner.

3. The said order of the State Government vide G.O.Ms.No.201, dated 15.11.2008, is under challenge in W.P.No.6326 of 2010. As a sequel to the said order passed by the State Government, the Regional Director of Women Development and Child Welfare, Eluru, West Godavari District, issued an order vide Rc.No.3521/A/2004, dated 10.02.2009, ordering removal of the petitioner from the service.

4. Challenging G.O.Ms.No.201, dated 15.11.2008 and the consequential order of the Regional Deputy Director dated 10.02.2009, the petitioner herein filed O.A.No.3156/2009 before the A.P. Administrative Tribunal. The Tribunal disposed of the said O.A on 20.02.2009 with the following order:

“The appellant has assailed the legality of the impugned proceedings issued vide G.O.Ms.No.201 dated.15.11.2008 of the 1st respondent and its consequential proceedings Rc.No.3521/A/2004 dated. 10.2.2009 through which her services have been terminated.

2. It is seen that, the impugned orders of termination have been

passed consequent to cancellation of caste certificate by the competent authority constituted under Act 16 of 1993. The order is an appealable order. The applicant has approached this Tribunal without exhausting the alternative remedy available to her. Therefore, this court is not inclined to interfere with the matter.

3. Learned counsel for the applicant submits that the applicant wants to file an appeal before the concerned authorities.

4. In view of the above, the applicant is directed to file an appeal before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order and if at all any such appeal is filed, the 1st respondent is directed to consider the same and pass appropriate orders within a period of six weeks from the date of filing of the appeal.

5. With the above directions, the O.A is disposed of. No costs.”

5. Thereafter, the petitioner herein filed the present W.P.No.6326 of 2010 on 19.02.2010, challenging G.O.Ms.No.201, dated 15.11.2008 and for a consequential prayer to the Regional Deputy Director of Women's Development and Child Welfare, Eluru, West Godavari District for revocation of the removal order dated 10.02.2009 issued vide Rc.No.3521/A/2014.

6. Petitioner herein also filed appeal on 27.02.2009 against the order of termination dated 10.02.2009 passed by the Regional Director as a consequence of G.O.Ms.No.201, dated 15.11.2008 as evident from the copy of the said appeal filed before this Court. Thereafter, the State Government issued G.O.Ms.No.33, Social Welfare (CV.2) Department, dated 26.04.2010, rejecting the claim of the petitioner.

7. On 17.05.2010, petitioner filed W.P.No.11613 of 2010, for the following relief:

“To issue of Writ of Mandamus or any other appropriate Writ or Order directing the respondents 4 and 5 herein to reinstate the petitioner into service as Anganwadi Grade II supervisor at CDPO, ICDS, Peddapuram, East Godavari District till the disposal of the Writ Petition WP.No. 6326 of 2010 pending on the file of the Hon'ble High Court of A.P. in the interest of justice.”

8. A reading of the orders passed in G.O.Ms.No.33, Social Welfare (CV.2) Department, dated 26.04.2010, reveals that though the petitioner

filed appeal on 27.02.2009 against the removal order dated 10.02.2009 passed by the Regional Deputy Director as a consequence of G.O.Ms.No.201, dated 15.11.2008, the State Government took it as an application for review of the earlier orders issued vide G.O.Ms.No.201, dated 15.10.2008.

9. The case of the petitioner in the present writ petitions is that the Collector and District Magistrate, East Godavari, Kakinada, did not conduct enquiry in a fair manner before passing the order of cancellation of the caste certificate. It is also the submission of the learned counsel for the petitioner that the orders of cancellation passed by the District Collector and the orders of the State Government passed vide G.O.Ms.No.201, dated 15.11.2008 are highly illegal, arbitrary and violative of Article 14 of the Constitution of India. It is also the submission of the learned counsel that the petitioner never utilized the community certificate in her employment.

10. On the contrary, it is the vehement submission of the learned Government Pleader that strictly adhering to the mandatory provisions of Act 16 of 1993 and the Rules framed thereunder, the respondent authorities conducted the enquiry and cancelled the social status certificate of the petitioner.

11. A perusal of the orders of the State Government vide G.O.Ms.No.201, dated 15.11.2008 and G.O.Ms.No.33, dated 26.04.2010, clearly discloses that the State Government took into consideration various aspects of the matter and ultimately found against the petitioner. The State Government in the impugned orders also categorically found that the petitioner failed to produce any evidence with regard to caste status of her father and also recorded that the petitioner confessed before the enquiry officer from the Tribal Welfare Department and gave a written statement that she does not belong to Konda Reddy community. The appellate authority/State Government also recorded a categorical finding that the petitioner was appointed under S.T. Category against the roster point No.25 meant for S.T candidates and rejected the contention contra

advanced by the petitioner. In fact, in support of the same, the learned Government Pleader has placed before this Court the relevant record which clearly demonstrates that the petitioner herein was appointed against roster point No.25 meant for Scheduled Tribe. Except stating that the authorities did not conduct enquiry in a proper manner, the writ petitioner herein could not point out as to where exactly the authorities went wrong and passed the orders in an illegal manner and contrary to Act 16 of 1993.

12. Another significant aspect which needs mention at this juncture is that, the State Government vide G.O.Ms.No.33, dated 26.04.2010, passed an order upholding the proceedings of the District Collector and the orders issued as a consequence of G.O.Ms.No.201, dated 15.11.2008. The said order of the State Government issued vide G.O.Ms.No.33, dated 26.04.2010 is not under challenge in these writ petitions.

13. Having regard to the reasons recorded by the respondent authorities and having regard to the fact that there is no challenge as to the validity of the G.O.Ms.No.33, dated 26.04.2010, this Court is not inclined to grant any relief in the present writ petitions. Since the petitioner herein failed to point out any perversity in the orders impugned, this Court is of the considered opinion that the petitioner herein has failed in making out a case, warranting any interference of this Court under Article 226 of the Constitution of India to issue a Writ in the nature of Writ of Certiorari.

14. For the aforesaid reasons, writ petitions are dismissed. As a sequel, miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

Date:13.7.2016

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THE HON'BLE SRI JUSTICE A.V. SETHA SA

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WRIT PETITION Nos.6326 and 11613 of 2010

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Dated 13th July, 2016

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