

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 25700 of 2006

Order:

This Writ Petition was filed by the petitioner/complainant who complained with regard to social status of the fourth respondent stating that the fourth respondent does not belong to 'Arwa Mala' Scheduled Caste community, but he belongs to 'Pillai' community.

2. The petitioner filed a complaint stating that the fourth respondent obtained employment in the Indian Airlines Corporation on a bogus caste certificate and requested the authorities to conduct an enquiry. When no enquiry was conducted, the petitioner filed WP No.7544 of 2002 and this Court, by an order dated 22.04.2002, directed the District Collector, Hyderabad, to conduct an enquiry in accordance with the provisions of AP (SC, ST & BC) Regulation of Issue of Community Certificates Act, 1993. Thereupon, a notice was issued to the fourth respondent to appear before the District Level Scrutiny Committee on 21.04.2003 and, accordingly, he appeared before the committee on that date and stated that a defamation case was filed against the petitioner herein and the said case was disposed of in his favour on 08.10.2001. The District Level Committee conducted an enquiry after issuing notice to the petitioner herein and the fourth respondent. The District Collector, ultimately, passed an order on 18.08.2003, canceling the caste certificate issued in favour of the fourth respondent by the Tahsildar, Hyderabad Urban Taluk, as if he belongs to Scheduled Caste Arwa Mala, vide No.C1/668/67, dated 30.06.1967 and No.G/668/67, dated 23.06.1972 and the caste certificate issued by the Revenue Divisional Officer, Secunderabad Division to the son of the fourth respondent vide No.M/765/03, dated 11.03.2003. Challenging the same, the fourth respondent preferred an appeal to the first respondent – Government and the said appeal was allowed without issuing any notice to the petitioner herein, at whose instance the

proceedings were taken by the second respondent. Even otherwise also, while allowing the appeal under GO Ms No.44, Social Welfare (CV.1) Department, dated 19.05.2006, no proper reasons were assigned except stating as follows.

“As seen from the records, the appellant was not given an opportunity to prove his claim. Further as the individual has retired from service, Government is of the opinion that the appellant caste status was decided on a petition from a litigant without going through the records. The enquiries conducted by the MRO and the RDO, have not substantiated to disprove the claim of the appellant and dealt only on the complaint on record. A close scrutiny of the records reveal that there is no concrete evidence to prove that the claim of the appellant is bogus except the school records, while his Polytechnic TC clearly shows his caste as “Arwa Mala” SC community.”

3. Challenging the said GO Ms No.44, Social Welfare (CV.1) Department, dated 19.05.2006, the present writ petition was filed.

4. Even after nine (9) years, no counter affidavit is filed by the respondents 1 to 3, however, learned counsel appeared for them. Though, the fourth respondent retired from service from the Indian Airlines Corporation, in view of the involvement of the issue of social status of the fourth respondent, this Court is inclined to set aside the impugned GO Ms No.44, Social Welfare (CV.1) Department, dated 19.05.2006, for not giving an opportunity to the petitioner herein and also not giving proper reasons for setting aside the order of the District Collector, Hyderabad, dated 18.08.2003.

5. Accordingly, the impugned order is set aside and the matter is remanded to the first respondent for issuing appropriate notices to the petitioner and the fourth respondent herein and decide the case afresh in accordance with law and pass appropriate orders on or before 31.12.2016.

6. The Writ Petition is, accordingly, allowed. However, in the

circumstances, no costs.

7. As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

A.
Date: 19.02.2016
Nsr

RAMALINGESWARA RAO, J.