

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 12933 of 2011

Order:

This Writ Petition was filed seeking a direction to the official respondents to initiate/take action against the fifth respondent by causing detailed inquiry into the genuineness of the social status of the fifth respondent.

2. It appears that the petitioner is none other than the son-in-law of the fifth respondent and there are matrimonial disputes between the petitioner and his wife.

3. Today, when the matter is listed, none appeared for the petitioner.

4. The first respondent filed counter affidavit stating that the fifth respondent was appointed as excise constable in the year 1975 and joined on 21.08.1975, but there was no information with regard to social status of the fifth respondent. He was appointed as incharge Prohibition and Excise Sub-Inspector by proceedings of the Deputy Commissioner of Prohibition and Excise, Kurnool, dated 12.10.2006 and joined as such on 18.10.2006. Thereafter, he was promoted as regular Prohibition and Excise Sub-Inspector on 11.02.2009 showing the name of the fifth respondent against the roster point No.40 earmarked for OC, but it was by mistake mentioned as SC. There is no record to show that the fifth respondent belongs to SC. When the petitioner asked for certain information under the Right to Information Act the same was furnished to the petitioner on 17.02.2011.

5. The fourth respondent filed a separate counter stating that he is not the competent authority to take any action with regard to social status of the fifth respondent. He further stated that the fifth respondent never claimed or availed any benefit either under BC category or under SC category. The fifth respondent was treated as OC candidate

at the time of his initial appointment and subsequent promotions, as such the allegation of the petitioner that the fifth respondent played fraud in the matter of his appointment and promotion is baseless.

6. The fifth respondent was aged about 57 years as per the cause title in the year 2011. Hence, by this date he must have retired from service. Further, in view of categorical assertion made by the fourth respondent in the counter affidavit that the fifth respondent never availed any benefit either under BC category or under SC category, the cause in the Writ Petition does not survive.

7. The Writ Petition is, accordingly, dismissed as infructuous. There shall be no order as to costs.

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

A.
Date: 28.04.2016
Nsr

RAMALINGESWARA RAO, J