

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.6433 of 2016

ORDER:

Sri C. Naresh Reddy, learned counsel for the petitioners, states that the issue arising in this writ petition is squarely covered by the decision rendered by this Court in W.P.No.17508 of 2015.

The prayer of the petitioners in this case is as under:

“For the reasons stated in the accompanying affidavit it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction; more particularly one in the nature of Writ of Mandamus declaring:

- i) the order dated 15.12.2015 issued by respondent No.3 as illegal, arbitrary, unconstitutional and contrary to the provisions of Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997.
- ii) direct the 3rd respondent to issue Digital backward class Community Certificate to the petitioner as belonging to “Gandla” Community and pass such other order or orders as this Hon'ble Court deemed fit and proper in the circumstances of the case.”

Perusal of the order dated 06.07.2015 passed by this Court in W.P.No.17508 of 2015 reflects that the prayer therein was also on similar lines. In terms of the earlier decision of this Court in W.P.No.17560 of 2015, the learned Judge granted relief to the petitioners therein. The Community, Nativity and Date of Birth certificates issued to the petitioners in August, 2010 clearly mention that they belong to “Gandla” Community, a backward caste.

In that view of the matter, the writ petition is disposed of on the same lines as W.P.No.17508 of 2015 with the following direction:

Since the Community, Nativity and Date of Birth

Certificates issued by the Tahsildar, Kataram, are admittedly, still in force, the respondents shall, within two days from the date of receipt of a copy of this order, furnish the petitioners a digital copy of the said certificates. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993, for cancellation of the caste certificate of the petitioners, if otherwise warranted.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:29.02.2016
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