

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.29033 of 2016

O R D E R:

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

2. Petitioner has challenged the endorsement dt.17.06.2016 issued by the 1st respondent wherein, the application dt.11.05.2016 made by the petitioner for issuance of a Caste Certificate was rejected giving the following reasons:

“Not responding during enquiry. Hence, rejected.”

3. This Court directed the 1st respondent to produce the record and appear before this Court. Accordingly, he appeared and stated that there is no record.

4. It appears that no notice was issued to the petitioner to appear before the 1st respondent till date, as no such notice was produced before this Court.

5. Without even issuing a notice to attend enquiry before the 1st respondent, the 1st respondent ought not to have rejected the application made by the petitioner on the ground that petitioner was not responding during enquiry.

6. It is clear that the action of the 1st respondent is arbitrary, *mala fide* and abdication of the responsibility conferred on him by the provisions of the A.P. SC, ST, and Backward classes,

Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 framed by the 2nd respondent.

7. Therefore, the Writ Petition is allowed; the impugned endorsement is set aside; and the 1st respondent is directed to forthwith conduct enquiry into the application of the petitioner within a period of four (04) weeks from the date of receipt of a copy of this order and communicate his decision thereon to the petitioner. The 2nd respondent is directed to initiate appropriate disciplinary proceedings against the 1st respondent, who has passed the impugned order, within a period of six (06) weeks from the date of receipt of a copy of this order. The 1st respondent shall also pay costs of Rs.1,000/- to the petitioner within a period of four (04) weeks from today.

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

19th September, 2016

Note: Registry shall communicate copy of this order to the 2nd respondent.

*B/o
gra*