

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

Writ Appeal No.121 of 2010

JUDGMENT: *(Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)*

This Appeal, under Clause XV of Letters Patent, is filed against the order passed by the learned Single Judge in W.P.No.21626 of 2009 dt.09.10.2009.

In the order under Appeal, the learned Single Judge noted that the District Collector, East Godavari District, after getting the matter enquired into by the Sub-Collector, Rampachodavaram, had addressed letter dt.17.03.2008 to the Deputy Inspector General of Police, Group Centre, CRPF, Ranga Reddy District, informing him that the petitioner belonged to the Scheduled Caste, and not to the Scheduled Tribe; and the Scheduled Tribe Caste certificate produced by him was bogus. The learned Single Judge also noted the contention of the Appellant that, basing on the above communication, he was removed from service.

Thereafter, the learned Single Judge observed that, though the petitioner had claimed that, based on the letter dt.17.03.2008, he was removed from service, he had not produced the order removing him from service; since the Caste Certificate issued to the petitioner, certifying that he belonged to the Scheduled Tribe, had not been cancelled, and the letter dt.17.03.2008 was only a communication addressed by the District Collector, East Godavari District to the Deputy Inspector General of Police, CRPF, no cause of action arose for the petitioner to file the Writ Petition.

If, as is now contended before us by Sri K.Venkatesh, learned counsel for the Appellant, the appellant's services were terminated by

the Central Reserve Police Force, nothing prevented the Appellant from questioning the said order of termination. Curiously, the Deputy Inspector General of Police, CRPF, to whom the letter dt.17.03.2008 is addressed, has not even been arrayed as a respondent either in the Writ Petition or in the Writ Appeal.

A mere letter of communication, from the District Collector to the Deputy Inspector General of Police, CRPF, would not by itself give rise to a cause of action justifying invoking the extra-ordinary jurisdiction of this Court under Article 226 of the Constitution of India. The question whether the CRPF officials could have terminated the services of the petitioner, relying on the said letter dt.17.03.2008 from the District Collector, could have been examined only if the petitioner had questioned the order of his termination from service. The Appellant, however, chose not to do so. As has been rightly noted by learned Single Judge, in the order under Appeal, it is not even the case of the Appellant that his Caste Certificate was cancelled. The learned Single Judge has rightly observed that no cause of action arose for the petitioner to file the writ petition based merely on the said letter dt.17.03.2008. We see no reason, therefore, to interfere with the order under Appeal.

The Writ Appeal fails and is, accordingly, dismissed. Consequently, miscellaneous petitions, if any, pending in this Writ Appeal shall stand dismissed. No order as to costs.

RAMESH RANGANATHAN, ACJ

U.DURGA PRASAD RAO, J

Dt: 31.08.2016
Scs/Murthy