

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12161 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd Respondent in threatening to terminate the Petitioner from service, based on proceedings C3/SR1/Vedurulcuppam/2005, dt.09.03.2016 of the 2nd Respondent ignoring pendency of Statutory Appeal filed by the Petitioner along with stay petition before the 1st Respondent as arbitrary, discriminatory and illegal and consequently to direct the 3rd Respondent not to take any coercive action in pursuance to the said proceedings dt.09.03.2016 till disposal of the Petitioner's Statutory Appeal dt.06.04.2016, pending on the file of the 1st Respondent and with all other consequential benefits.”

2. Heard Sri V.Jagapathi, learned counsel for the petitioner; learned Government Pleader for Social Welfare for respondent Nos.1 and 2; and learned Standing Counsel for respondent No.3.

3. According to the petitioner, he belongs to Scheduled Caste Community. He is presently working as Principal in Special School for Deaf under the control of the third respondent. The District Collector vide proceedings No. C3/SRI/Vedurukuppam/2005, dated 09.03.2016 cancelled the Caste Certificate of the petitioner in exercise of the powers conferred under Rule 5(1) of the A.P. (SC, ST & BC) Regulation of Issue of Community Nativity and Date of Birth Certificate Rules, 1997 (for short, "the Act"). Aggrieved by the said order of cancellation passed by the District Collector, petitioner herein filed a Statutory Appeal under Section 7(2) of the Act 16 of 1993 on 06.04.2016. Along with the said appeal he also filed an application, seeking stay of operation of the order passed

by the District Collector on 09.03.2016. According to the petitioner no orders have been passed on the said appeal nor on the stay application and the appeal is still pending before the State Government.

4. It is submitted by the learned counsel for the petitioner that under the guise of the proceedings dated 09.03.2016 of the District Collector, cancelling the Caste Certificate of the petitioner, the third respondent is contemplating to take coercive steps to terminate his services notwithstanding the pendency of the appeal before the first respondent.

5. On the contrary, it is contended by the learned Government Pleader so also the learned Standing counsel that the writ petition is filed only on apprehension and no orders have been passed so far by the third respondent.

6. Having regard to the nature of the controversy and taking into account the totality of the circumstances and keeping in view the pendency of the appeal and the stay application filed by the petitioner herein against the orders of termination passed by the District Collector, this Court is of the considered opinion that the ends of justice would be served if the first respondent is directed to pass appropriate orders on the appeal dated 06.04.2016 filed by the petitioner herein by fixing some time frame.

7. For the aforesaid reasons, the Writ Petition is disposed of directing the first respondent State Government to pass appropriate orders on the appeal dated 06.04.2016 as expeditiously as possible. Pending the said exercise, no coercive action shall be taken against the petitioner herein.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

JUSTICE A.V. SETHA SAI

April 13, 2016
Lmv

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

—

—

WRIT PETITION No.12161 of 2016

13.04.2016

LMV