

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

WRIT PETITION No.14536 of 2009

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 directing the respondent to issue confirmation orders of caste certificate as Valmiki Schedule Tribe as per the enquiry report of Tahsildar Rampachodavaram in proceedings C/415/07 dt. 05/08 wherein he opined that the petitioner belongs to Valmiki Community also confirmed by the sub collector, in proceedings 315/07 dt. 19-1-2009 and also as per powers conferred under sub rule 7 of rule 9 of A.P. SC/ST/BC issue of community nativity and date of birth certificate rules 1997 read with 9(1) of the Act 16/93.”

2. Heard Ms.Marie Desai, learned counsel for the petitioner and the learned Government Pleader for Social Welfare appearing for respondents.
3. According to the petitioner, she belongs to Valmiki Caste, Scheduled Tribe and she obtained her caste certificate as Valmiki and secured appointment as Field Assistant. It is further submitted that previously the 1st Respondent-District Collector issued proceedings vide B2.11701/92 dated 29.8.1996, changing the caste of the petitioner as Scheduled Caste from Scheduled Tribe. Assailing the said action, the petitioner herein filed W.P.No.5796 of 1997.
4. This Court, by way of an order dated 19.2.2007 disposed of

the said writ petition, directing the petitioner to submit a detailed representation with a further direction to the District Collector to make necessary enquiries into the genuineness of the certificate and to pass appropriate orders within a period of two months from the date of receipt of the said representation. It is the further case of the petitioner herein that pursuant to the above orders of this Court, she submitted a representation to the 1st respondent on 14.4.2007 and under the directions of the 1st respondent, the Tahsildar, Rampachodavaram conducted enquiry and submitted a report also in May 2008 and thereafter vide proceedings No.315/2007 dated 9.6.2008, the Sub-Collector, Rampachodavaram also submitted a report and the same was followed by another report of the Sub-Collector dated 19.1.2009. In the above background, the grievance of the petitioner is the inaction on the part of the 1st respondent in taking further action in the matter.

5. A counter-affidavit is filed by the respondents. Along with the counter-affidavit an order passed by the District Collector, dated 23-08-2011 canceling the Caste Certificate of the petitioner is also filed. It is also brought to the notice of this Court that aggrieved by the said order of cancellation passed by the District Collector, the petitioner herein preferred statutory appeal before the State Government on 10-11-2011 and the same is pending consideration before the State Government.

6. Since the appeal is pending before the State Government and as the petitioner herein filed the appeal pending writ petition, this Court deems it appropriate to implead the State Government

suo moto and accordingly the State of Andhra Pradesh represented by its Secretary, Social Welfare Department, Secretariat, Hyderabad is hereby impleaded as respondent No.4 in the writ petition. In these circumstances, this Court is of the considered opinion that the ends of justice would be served if the State Government is directed to pass appropriate orders on the said appeal filed by the petitioner by fixing some timeframe.

7. For the aforesaid reasons, the writ petition is disposed of, directing the State Government to pass appropriate orders on the appeal, dated 10-11-2011 filed by the petitioner herein against the orders of cancellation of caste certificate passed by the District Collector, within a period of three (3) months from the date of receipt of a copy of this order after giving notice and opportunity of being heard to the petitioner herein and only after taking into account the entire material. It is also made clear that the petitioner herein is also entitled to place further material, if any, to substantiate her claim.

8 . The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.V. SESA SAI, J

July 15, 2016

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

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