

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

W.P.No.28467 of 2008

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order passed by the third respondent/Sub-Collector, Tekkali, Srikakulam District, vide endorsement Rc.No.1307/2007, dated 05.02.2008.

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

3. According to the petitioner, she belongs to Benthoriya Caste, a Scheduled Tribe. Earlier, she made an application before the Sub-Collector for issuance of Caste Certificate under the A.P. S.C, S.T and B.C's Regulation of Issue of Community Certificates Act, 1993 and the Rules 1997 framed there-under. Thereafter, questioning the inaction on the part of the third respondent/Sub-Collector, she filed W.P.No.20463 of 2007 before this Court. Pursuant to the orders of this Court in W.P.No.20463 of 2007, she was given provisional admission in M.C.A Course in the fifth respondent/college. Subsequently, the Sub-Collector, Tekkali/third respondent herein, vide impugned endorsement bearing Rc.No.1307/2007, dated 05.02.2008, rejected the request of the petitioner herein for issuance of Benthoriya (Scheduled Caste Certificate). As a consequence of the said endorsement of the third respondent/Sub-Collector vide letter dated 02.12.2008, the fifth respondent college requested the petitioner herein to collect all her certificates from the college. In the above background, the present writ petition came to be filed.

4. This Court, while ordering notice on 29.12.2008, granted interim order directing the respondents 4 and 5 not to cancel the provisional admission.

5. During the course of hearing, it is stated by the learned counsel for the petitioner that pursuant to the interim orders, the petitioner has completed

the M.C.A Course also. In the affidavit filed in support of the writ petition it is stated that the endorsement is not communicated to the petitioner and that she came to know through the orders of the fifth respondent cancelling admission. It is further stated by the learned counsel for the petitioner that the petitioner herein aggrieved by the impugned endorsement dated 05.02.2008, filed a statutory appeal before the District Collector under Rule 10 of A.P. S.C, S.T and B.C's Regulation of Issue of Community Certificates, Rules 1997. According to the learned counsel, the said appeal is still pending consideration before the District Collector, Srikakulam District/second respondent herein.

6. Since the appeal filed by the petitioner against the endorsement dated 05.02.2009 is pending before the District Collector, Srikakulam District/second respondent herein and taking into consideration the completion of course by the petitioner herein pending the writ petition, this Court deems it appropriate to dispose of the writ petition with a direction to the second respondent to pass appropriate orders on the appeal dated 06.12.2008, said to have been filed by the petitioner herein, against the endorsement in Rc.No.1307/2007, dated 05.02.2008.

7. For the aforesaid reasons, the writ petition is disposed of, directing the District Collector, Srikakulam District/second respondent herein, to pass appropriate orders on the appeal dated 06.12.2008 said to have been filed by the petitioner against the endorsement in Rc.No.1307/2007, dated 05.02.2008. As a sequel, pending miscellaneous petitions, if any, shall stand disposed of. No costs.

A.V.SESHA SAI, J

Date:22.12.2016
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