

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.36844 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking a writ of certiorari to call for the records in connection with the orders of 1st respondent in G.O.Ms.No.42 dated 04.10.2016 vide Tribal Welfare (TLR) Dept., dated 04.10.2016, affirming the proceedings of the Collector and District Magistrate, Nalgonda, in proceedings No.H7/1084/2000 dated 29.01.2008 of the 2nd respondent and to declare both the orders as illegal and arbitrary.

The case of the petitioner is that she belongs to Scheduled Tribes community i.e. "Kondareddy" and she obtained a caste certificate to that effect from the Tahsildar, Nalgonda vide proceedings No.D2/9425/80 on 23.5.1980. Subsequently, she appeared for competitive examinations and got employment in Andhra Bank in the year 1985. While so, basing on a complaint filed before the Bank alleging that the petitioner does not belong to Scheduled Tribe community, upon the request of the Bank, the Collector-2nd respondent after calling for the enquiry reports from the Mandal Revenue Officer and Revenue Divisional Officer, referred the matter to the Chairman, District Level Scrutiny Committee for an enquiry. The Scrutiny Committee passed an order holding that the petitioner does not belong to Kondareddy community. Consequently, the 2nd respondent vide proceedings dated 29.01.2008 cancelled the community certificate issued to the petitioner. Aggrieved thereby the petitioner preferred an appeal before the 1st respondent and by the impugned order dated 4.10.2016, without giving any notice, 1st respondent rejected the appeal.

Heard the learned counsel for the petitioner and learned Government Pleader for Social Welfare and perused the material available on record.

The main grievance of the petitioner is that the appellate authority i.e. the 1st respondent without providing an opportunity of hearing the petitioner, decided the appeal unilaterally, which is in violation of principles of natural justice. Since it is the grievance of the petitioner that she was neither given notice nor heard in the appeal and was deprived of producing the evidence and relevant material before the appellate authority, this Court is of the view that the petitioner may be given an opportunity of hearing in the appeal.

Accordingly, the impugned order of 1st respondent dated 04.10.2016 in G.O.Ms.No.42 Tribal Welfare (TLR) Department is hereby set aside and the 1st respondent is directed to dispose of the appeal afresh by giving notice to the petitioner intimating the date of hearing and after hearing petitioner in the appeal.

Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

31.10.2016.
Tsr

