

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12800 OF 2016

ORDER:

The writ petition is filed challenging the Endorsement dated 11.03.2016 of the 4th respondent-District Panchayat Officer disqualifying the petitioner from holding the post of Sarpanch on the ground of the petitioner submitting a false B.C-E caste certificate in the Gram Panchayat elections held in the year 2013.

Heard Sri B. Vijaysen Reddy, learned counsel for the petitioner, learned Government Pleader for Social Welfare, learned Government Pleader for Panchayat Raj and learned Government Pleader for Revenue.

The facts are not in dispute. By order dated 15.02.2016, the caste certificate issued in favour of the petitioner was cancelled by the 2nd respondent-District Collector. Questioning the same, the petitioner filed an appeal on 26.02.2016 before the Secretary, Backward Classes Welfare Department, Government of Telangana, Hyderabad and the same is pending. As no stay was granted by the Government of Telangana, the petitioner approached this Court by filing a Writ Petition No.7821 of 2016 and this Court by an order dated 10.03.2016 disposed of the same directing the appellate authority to take up the stay application in the appeal for hearing and pass appropriate orders expeditiously and in the meanwhile the operation of the order dated 15.02.2016 was stayed till the orders are passed by the appellate authority either in the stay application or in the appeal filed by the petitioner.

So far as the impugned order is concerned which came to be passed on 11.03.2016 were communicated to the petitioner based on the order dated 15.02.2016 of the District Collector and the communication dated 10.03.2016 of the District Panchayat Officer. It is the contention of the learned counsel for the petitioner that the impugned order is anti dated as 11.03.2016. The same need not be gone into. As can be seen from the order dated 11.03.2016, there is no reference to the order of this Court in W.P.No.7821 of 2016 passed on 10.03.2016. In other words, by the time the order dated 11.3.2016 came to be made, the disqualification of the petitioner which was affected by virtue of order dated 15.02.2016 has been kept in jeopardy. In all probabilities, the impugned order could have been made in ignorance of the

order dated 10.03.2016 passed by this Court in W.P.No.7821 of 2016. This aspect of the matter was not disputed by any one of the parties. In that view of the matter, the order dated 11.03.2016 cannot be sustained

Accordingly, the writ petition is allowed setting aside the order dated 11.03.2016 passed by the 5th respondent-Panchayat Secretary. However, it is made clear that the setting aside of the order dated 11.03.2016 shall not be construed as preventing the authorities for taking appropriate action in accordance with the law. No order as to costs.

Miscellaneous Petitions pending, if any, in this writ petition shall stand dismissed.

CHALLA KODANDA RAM,J

Date:19.04.2016.
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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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