

THE HON'BLE SRI JUSTICE PRAVEEN KUMAR

WRIT PETITION No. 17743 of 2016

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India, for the following relief:

‘To issue an appropriate writ, order or direction and more particularly, one in the nature of writ of Mandamus declaring (i) the order dated 02.05.2016 issued by respondent No.3 as illegal, arbitrary, unconstitutional and contrary to the provisions of Andhra Pradesh (SC,ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997. (ii) direct the 3rd respondent to issue Digital Backward Class Community Certificate to the petitioners as belonging to ‘Gandla’ community’.

Heard Sri C.Naresh Reddy, learned counsel for the petitioner, the learned Government Pleader for Social Welfare for respondent Nos.1 and 4 and learned Government Pleader for respondent Nos.2 and 3.

It is submitted by the learned Government Pleaders that the petitioner herein belong to Reddy Gandla Community but not Gandla and as such he is not entitled for any relief from this Court. It is also submitted by the learned Government Pleader that the Government issued Memo to the said effect.

It is submitted by the learned counsel for the petitioner that the issued involved in the present writ is squarely covered by the orders of this Court in W.P.No.17508 of 2015 dated 06.07.2015 and a copy of the same is placed on record along with the writ petition. In case on hand also, the petitioner herein relies upon Community, Nativity and Date of Birth Certificate bearing No.C/386/2010, issued by the Tahsildar, Kataram Mandal, Karimnagar District.

In the circumstances, there shall be a similar direction as in the above writ petition, which is as follows:

‘Since the Community, Nativity and Date of Birth Certificate issued by the Tahsildar, as mentioned above,

is, admittedly, still in force, the respondents, shall within two days from the date of receipt of a copy of this order, furnish the petitioner a digital copy of the said certificate. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Andhra Pradesh (SC,ST & BCs) Regulations of Issuance of Community Certificates Act, 1993 for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false'.

With the above direction, the writ petition is disposed of.

Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE PRAVEEN KUMAR

07.06.2016,
vnb