

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION (TR) NO.863 of 2017

Date: 26.07.2017

Between:

S.Vijaya Lakshmi W/o. Subash, Aged about 26 years,
School Assistant (Arts), U.P.School, Utloor, Shankarampet,
Medak District.

..... Applicant/ Petitioner

and

The District Educational Officer, Medak district at
Sangareddy and others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner was selected and appointed as School Assistant (Arts) in pursuant to the District Selection Committee (DSC) - 2008 recruitment. Her appointment was made against the Scheduled Tribe Quota. Her services were regularized on 04.01.2013. Before entering into service, petitioner married Scheduled Tribe person on 09.06.2006. Based on the marriage to the Scheduled Tribe person, she applied for Caste Certificate and the competent authority issued Scheduled Tribe Caste Certificate on 25.02.2008. Based on this certificate, petitioner applied to the post of School Assistant against the Scheduled Tribe quota and accordingly was selected. It appears, the people belonging to the same community complained to the District Collector against the Caste Certificate issued to the petitioner treating her as scheduled tribe person. On conducting enquiry, the District Collector passed orders on 28.06.2013 canceling the Caste Certificate issued on 25.02.2008. On account of cancellation of caste certificate which was the basis for granting employment to the petitioner, by order, dated 22.08.2013, her services were terminated. It appears, petitioner is not in service. It appears that aggrieved by the order of cancellation of caste certificate, petitioner preferred appeal to the Government on 07.08.2014 and the same is pending consideration by the Government.

2. Learned counsel for petitioner submits that since she has right of appeal to the Government against the cancellation of caste certificate and the said appeal is pending, at this stage, her services could not have been terminated. He further submits that since appeal

is pending, a direction be issued for disposal of the appeal expeditiously.

3. The facts noted above would disclose that employment was granted to the petitioner under the scheduled tribe quota based on the caste certificate dated 25.02.2008 produced by the petitioner and this caste certificate was cancelled by the District Collector. Learned counsel fairly submits that no stay is granted by the Government in the appeal preferred by the petitioner. Thus, once caste certificate is cancelled, which was the basis for grant of employment, the claim gets wiped out. I, therefore, see no illegality in the order of termination of service of petitioner. As the dispute in this writ petition concerns the termination of her service and issue of preferring appeal against cancellation of caste certificate is independent of the proceedings in this writ petition, no direction for disposal of the appeal by the Government can be granted. On that issue, petitioner has to work out her remedies independently, as available in law.

4. Writ Petition (TR) is accordingly dismissed. However, it is made clear that if petitioner succeeds before the appellate authority against cancellation of her caste certificate, it is open to her to revive her grievance against termination of her services.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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