

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO. 40666 OF 2016

ORDER:

Heard learned Senior Counsel appearing for petitioner, learned Government Pleader appearing for respondents 1 to 4 and learned counsel appearing for impleaded respondent.

2. Petitioner stated that he hails from Palamaner Town of Chittoor District and he belongs to 'Vanyakula Kshatriya' community, which comes under BC-A list. He stated that in Palamaner, Chittoor District, he studied up to intermediate and then obtained Hindi Vidwan certificate in the year 2007. Thereafter, he had undergone Hindi Pandit training and attended D.S.C (District Selection Committee) Examinations 2012 for the post of Language Pandit (Hindi). He was also successful in the written and oral test and was appointed as Language Pandit (Hindi) by proceedings dated 28.12.2012 and posted at GHS, Kuppam, Kuppam Mandal, Chittoor District. While so, the 5th respondent lodged a complaint with the Sub-Collector, Madanapalli, stating that the petitioner belongs to 'Gounder' community but not 'Vanyakula Kshatriya'. The matter was referred to District Level Scrutiny Committee (DLSC). It is stated while the enquiry was pending before the DLSC, the 5th respondent filed a case before the Lokayukta and tried to pressurize the Committee by leveling certain allegations against the Tahsildar, Palamaner, who issued caste certificate after thorough enquiry. The

District Collector, Chittoor based on the report, issued show cause notice dated 13.4.2014, asking the petitioner to show cause why his caste certificate shall not be cancelled. The petitioner submitted his explanation and in spite of the same, the District Collector, Chittoor passed an order dated 27.6.2014 cancelling his caste certificates dated 6.10.2008 and 29.11.2012, issued by the Tahsildar, Palamaner. Thereafter, the 5th respondent filed O.A.No. 4229 of 2014, before the Andhra Pradesh Administrative Tribunal, Hyderabad, challenging the action of the respondents in not appointing her to the post held by the petitioner in view of the order of cancellation passed on 27.6.2014 by the District Collector. However, the petitioner preferred an appeal before the first respondent against the order passed by the District Collector dated 27.6.2014 and when the first respondent passed an order in G.O.Ms.No. 40 dated 3.11.2016, the present Writ Petition is filed challenging the said order upholding the order passed by the District Collector, Chittoor District dismissing the appeal.

3. Learned Senior Counsel appearing for the petitioner submitted that the said order was passed without hearing the petitioner and on the basis of the remarks furnished by the District Collector, Chittoor. He also brought to the notice of this Court that the first respondent earlier took a stand that the order passed by the District Collector requires to be kept in abeyance on the basis of the remarks furnished by him and accordingly, disposed of the appeal by proceedings dated

18.8.2016. Thereafter, without issuing any notice to the petitioner, the impugned G.O. was issued on 3.11.2016 by superseding the said order upholding the orders of the District Collector, dated 27.6.2014.

4. A reading of the impugned order also does not show that any notice was issued after 18.8.2016, before superseding the said order.

5. Though sufficient opportunity was given to the first respondent from 24.11.2016, no counter affidavit is filed.

6. In the circumstances, the impugned G.O.Ms.No. 40 Backward Classes Welfare (C) Department dated 3.11.2016l, is set aside and the matter is remanded to the first respondent for re-consideration of the issue in the light of the orders passed by the first respondent on 18.8.2016 and for passing appropriate orders after hearing the petitioner in accordance with law. However, it is open to the petitioner to raise all grounds that are available to him under law in the said hearing.

7. Accordingly, the Writ Petition is allowed. There shall be no order as to costs. As sequel thereto, Miscellaneous Petitions, pending if any, shall stand closed.

A. RAMALINGESWARA RAO, J

DATE: 17.02.2017

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