

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14339 of 2008

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking to declare the action of the respondents 1 and 2 in not issuing the ST community certificate to the petitioners by not completing enquiry as per the Andhra Pradesh (SC, ST and BC) Regulation of Issue of Community Certificate Act, 1993, (for short 'the Act'), as illegal and arbitrary.

The case of the petitioners is that they all belong to Benth Orya, which is a Scheduled Tribe community and the petitioners are entitled for the benefits given by the Government. The petitioners, after completion of their degrees, have appeared for I-CET examination and secured different ranks. The 3rd respondent – Convener, (Admissions), I-CET), Osmania University, has announced the schedule for counseling, and the petitioners approached the 2nd respondent – RDO, Tekkali, Srikakulam District, and submitted applications for issuance of caste certificate by enclosing relevant documents, as the caste certificate is mandatory for participating in the counseling. As per the provisions of the Act, the enquiry should be conducted and the certificate has to be issued within thirty days from the date of receipt of the application. In spite of the same, the 2nd respondent has not conducted the enquiry and not issued the caste certificates to the petitioners. Hence, the present writ petition.

The 2nd respondent filed counter-affidavit stating that on the applications submitted by the petitioners, the 2nd respondent conducted enquiry, but as per the enquiry, it was found that the petitioners belong to "Vodia or Vaddi" community, but not "Benth Oriya" community as

claimed by the petitioners. It is further stated by the 2nd respondent that the enquiry could not be completed at the earliest point of time, since the petitioners did not provide the relevant documents.

Heard and perused the material available on record.

Considering the grievance of the petitioners and in view of the submissions made by the 2nd respondent in his counter – affidavit, this Court is inclined to pass the following order:

The petitioners are directed to submit the relevant documents to establish that they belong to the community, which they are claiming, and that the 2nd respondent is directed to complete the enquiry and pass appropriate orders in accordance with law on the basis of the material produced by the petitioners.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, pending if any, shall stand closed.

August 04, 2017
KTL

RAJA ELANGO, J