

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1539 OF 2007

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue any writ order or direction particularly one in the nature of mandamus declaring G.O.Ms.No.01 Social Welfare (CV.2) Department dated 6.1.2007 of the 1st respondent as illegal, arbitrary, violative of Art.14 of the Constitution of India and violating the provisions of the A.P. (SC,ST & BC) Act, 1993 and the Rules 1997 besides principles of natural justice and by setting aside the same consequentially direct the 1st respondent to pass appropriate orders after giving sufficient opportunity to the petitioner of hearing and examining the oral and documentary evidence.”

2. After arguing for length, learned counsel for the petitioner confined his arguments only to the extent of remanding the matter to the concerned authority for reconsideration on the ground that in paragraph No.6 of the impugned Government Order passed by respondent No.1, it is stated that no documents were produced by the petitioner, but the petitioner has produced the documents during the course of enquiry and in view of the said fact, it is evident that respondent No.1 has not applied its mind while passing the impugned Government Order.

3. Considering all the facts and circumstances of the case, without expressing any opinion on merits, this Court is of the view that no prejudice would be caused to the respondents if the matter is remanded to respondent No.1 for consideration afresh.

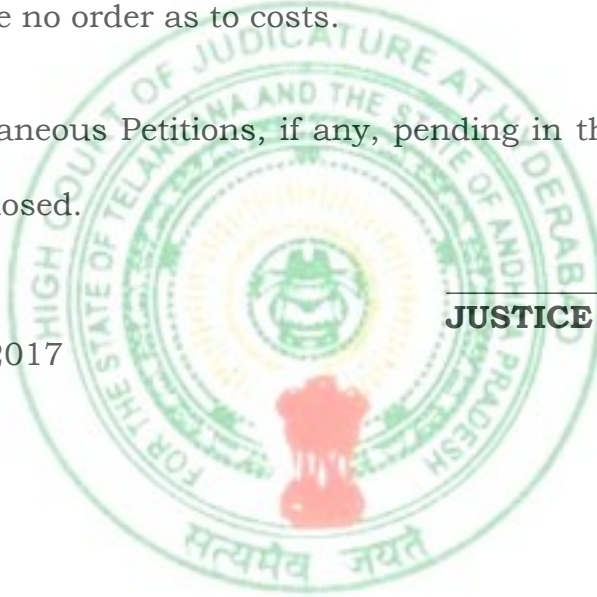
4. Accordingly, G.O.Ms.No.01, Social Welfare (CV.2) Department, dated 6.1.2007, of respondent No.1 is hereby set aside and the matter is remanded to respondent No.1 for fresh consideration. Respondent No.1 shall dispose of the matter afresh as expeditiously as possible, preferably, within a period of three (3) months from the date of receipt of a copy of this order after giving an opportunity of hearing and examining the oral and documentary evidence to the petitioner.

5. Accordingly, the Writ Petition is allowed and remanded. There shall be no order as to costs.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date: 19.09.2017
AMD

JUSTICE RAJA ELANGO



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