

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.23697 OF 2000

ORDER:

This Writ Petition is filed challenging the orders issued by the Joint Collector and the District Collector, Ranga Reddy District dated 07.10.1998 and 06.01.2000 respectively, as illegal and arbitrary and consequently, seeking to set aside the said orders and restore the Caste Certificate dated 27.02.1982 in favour of the petitioner wherein it was stated that the petitioner is a member belonging to the Scheduled Tribe (Oriya) Community.

Heard the parties.

It is the case of the petitioner that he is a member belonging to the Scheduled Tribe (Oriya) Community and the Tahsildar, Vallabhnagar Taluk, Ranga Reddy District had issued a Caste Certificate declaring him as a member belonging to the Scheduled Tribe (Oriya) Community on 27.02.1982. The petitioner had studied up to VI Class and as his parents were illiterates, he could not pursue his further studies. Further, it is the case of the petitioner that he was appointed as a 'Helper' in M/s. Nuclear Fuel Complex, Department of Atomic Energy, Hyderabad-second respondent institution herein during the year 1982 and as he is a member belong to the Scheduled Tribe (Oriya) Community, he had produced the said Caste Certificate. While he was working, the Nuclear Fuel Complex Institution Scheduled Tribes Employees' Association had given complaint to the institution that some of the employees of the second respondent institution are working by producing false Caste Certificates. The second respondent had referred the case of the petitioner to the Commissioner of Tribal

Welfare to investigate the Caste Certificate of the petitioner. The Commissioner of Tribal Welfare, in turn, referred the case to the District Collector and the District Collector had called for a report from the Joint Collector and the joint collector had recommended cancellation of the Caste Certificate of the petitioner. Based on such recommendation, the District Collector had issued a show cause notice to the petitioner as to why the Caste Certificate issued in his favour should not be cancelled. The petitioner had submitted an explanation to the show cause notice and it appears the District Collector had cancelled the Caste Certificate of the petitioner and consequent upon which the second respondent vide proceedings dated 14.07.2000 had imposed punishment of compulsory retirement on the petitioner after conducting a full-fledged enquiry.

It is submitted by the learned Central Government Counsel that challenging the orders of compulsory retirement, the petitioner had filed O.A.No.1764 of 2000 before the Central Administrative Tribunal challenging the penalty of compulsory retirement and the Tribunal was pleased to dismiss the O.A., against which the petitioner filed Writ Petition before this Court in WP.No.4713 of 2002 challenging the orders of the learned Tribunal and it is stated that the said Writ Petition was also dismissed. The petitioner herein had filed the present Writ Petition challenging the orders passed by the District Collector and the Joint Collector cancelling his Caste Certificate with a further direction to restore the Caste Certificate which was cancelled.

As can be seen from Section 7 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes)

Regulation of Issue of Community Certificates Act, 1993, there is a right of appeal against cancellation of Caste Certificate and without exhausting the right of appeal, the petitioner had straight away approached this Court. It is not for this Court to decide as to whether the petitioner is a member of a Scheduled Tribe Community or not. It is for the District Collector who is the competent authority under the law. This Court cannot interfere with the findings recorded by the District Collector, as no grounds are made out in the present Writ Petition.

The Writ Petition is devoid of merits and is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(ABHINAND KUMAR SHAVILI, J)

22nd November 2017
RRB

