

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* * * *

WRIT PETITION No.14319 of 2004

Between:

K.Rangaiah

....Petitioner

And

The Government of Andhra Pradesh, rep. by
its Principal Secretary, Social Welfare Department,
Secretariat Buildings, Hyderabad and another

....Respondents

JUDGMENT PRONOUNCED ON: 19.12.2017

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? :
2. Whether the copies of judgment may be
Marked to Law Reporters/Journals? :
3. Whether His Lordship wishes to
see the fair copy of the Judgment? :

T.AMARNATH GOUD, J

* THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

+ WRIT PETITION No.14319 OF 2004

% 19—12—2017

K.Rangaiah

...Petitioner

vs.

\$ The Government of Andhra Pradesh, rep. by
its Principal Secretary, Social Welfare Department,
Secretariat Buildings, Hyderabad and another

... Respondents

!Counsel for the Petitioner : Sri G.V.Shivaji

^Counsel for the Respondents : G.P.for Revenue (A.P)

<Gist :

>Head Note :

? Cases referred

1. 2005 (2) ALT 773



THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**WRIT PETITION NO.14319 OF 2004****ORDER:**

This writ petition is filed for issuance of a Writ of Certiorari calling for the records relating to the proceedings of the first respondent in G.O.Ms.No.41, Social Welfare (CV1) Department, dated 04.05.2004, confirming the orders of the second respondent and to quash the same with a further direction to the respondents to issue community certificate to the petitioner.

2. It is the case of the petitioner that he belongs to 'Bariki' of Scheduled Caste community and the same was reflected in his school records. He was selected as sub-staff in the LIC of India in the year 1966. When the petitioner was instructed to get the certificate of his caste, he approached the Tahsildar, Adoni. The Tahsildar, Adoni has issued a social status community certificate to the effect that the petitioner belongs to 'Bariki' of SC community vide certificate dated 04.07.1977. During the year 1987, when the petitioner was asked to furnish a fresh caste certificate, he approached the second respondent, who by his endorsement dated 01.03.1987, rejected the request of the petitioner. The same was under challenge in W.P.No.9183 of 1988 and this Court, by order dated 05.08.1988, disposed of the said writ petition directing the authorities to pass a speaking order. Thereupon, the petitioner filed C.C.No.114 of 1989 and this Court disposed of the same by order dated 11.04.1989. Thereafter, the second respondent, by his proceedings dated 16.08.1988, rejected the application of the

petitioner and cancelled the caste certificate of the petitioner dated 04.07.1977. Aggrieved thereby, the petitioner filed W.P.No.12042 of 1989 and this Court allowed the same by order dated 09.06.1997 by directing the respondents to hold a fresh enquiry by affording opportunity to the petitioner. Thereafter, the petitioner filed a detailed representation dated 29.08.1997 enclosing the documents in support of his claim. The second respondent once again rejected the request of the petitioner by his proceedings dated 20.12.1997. Aggrieved by the same, the petitioner filed an appeal before the first respondent and the first respondent by impugned G.O.Ms.No.41, dated 04.05.2004, dismissed the appeal confirming the order of the second respondent, which lead the petitioner to file the present writ petition.

3. The second respondent filed a counter-affidavit stating that after discrete enquiries, it came to know that 'Bariki' caste was not existing in Kurnool District and hence, the second respondent rejected the request of the petitioner, by proceedings dated 20.12.1997. The Government issued instructions for correct identification of Bariki community, in pursuance of which, a team of officers has been constituted to enquire into the genuineness of the caste certificate and finally it was concluded that 'Bariki' caste does not exist in the Kurnool District and that 'Barikas' are different from 'Bariki' caste members. It was also elicited that various persons actually belonging to communities such as Maddi, Bestha, Sunnapollu, Gaurimakkalu, Mudiraju, Kabbera came to be known as 'Barikis'. The District Level Scrutiny Committee under

the Chairmanship of Joint Collector, Kurnool, has issued a notice for enquiry and heard the petitioner on 29.08.1997, and after perusing the record, rejected the request of the petitioner holding that the petitioner and his children are not eligible to obtain 'Bariki' caste certificate. It is also stated in the counter that in pursuance of the order of this Court dated 15.12.2000 in WP.No.24877 of 2000, a Committee was constituted with the Revenue Divisional Officer, Adoni, Deputy Director, Social Welfare Department, Kurnool and Executive Director, S.C Corporation, Kurnool, to go into the details of the social status of the 'Bariki' caste people. The Committee conducted enquiry on 02.08.2001, 07.08.2001 and 13.08.2001 and invited representatives of the Adoni Taluka Bariki Sangam, Adoni to represent their claim. After enquiring several persons and after verifying the birth and death registers of Adoni Municipality and the villages of Halvi, Kumbalanur and Chigili, the Committee confirmed that most of the people belongs to Telugu Community and they do not belong to 'Bariki' caste of SC. It was also found that 'Barika' is only a profession, but not a caste and the said fact was published in the District Gazette of Kurnool District dated 15.10.2001.

4. Heard.

5. The petitioner, in support of his claim, filed secondary school leaving certificate dated 04.01.1961, wherein in the caste column, it is mentioned as Hindu-Harijan (Bariki). In the caste certificate issued by the Tahsildar, Adoni, dated 04.07.1977, it is stated that

the petitioner belongs to Bariki community, which is recognized as a Scheduled Caste. The petitioner also relied upon a communication from the second respondent, dated 06.12.1983, addressed to all Tahsildars in the Kurnool District stating that in the latest notifications, 'Bariki' caste was notified as Scheduled Caste and directed all the Tahsildars in the District to issue caste certificates to all the people of Bariki community as Scheduled Caste. Surprisingly, the application of the petitioner, dated 20.02.1987, for issuance of caste certificate as 'Bariki' under Scheduled Caste was rejected on 01.03.1987 without assigning any reasons. The petitioner also contended that the second respondent has not adverted to any records submitted by him towards evidence.

6. The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short, the Act) and the Rules framed thereunder deal with the power and procedure of issuance and cancellation of the caste certificate. Section 3 deals with making of an application in the prescribed form for obtaining community certificate, Section 4 deals with issuance of community certificate by the competent authority and Section 5 deals with the procedure for cancellation of the false community certificate. Rule 9 of The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 deals with fraudulent claims pertaining to the community certificate. The Act came into force from

15.05.1997 vide G.O.Ms.No.57, Social Welfare (J) Department, dated 08.05.1997 and the Rules came into force from 12.05.1997 vide G.O.Ms.No.58, Social Welfare (J) Department, dated 12.05.1997. Rule 21 of the Rules, which a saving Rule, contemplates that the community certificate issued by the competent authority prior to the commencement of these Rules should be treated as a valid certificate. In the Annexure-I to the Rules, the competent authority, for the sake of issuance of certificate of scheduled caste Bariki, is the District Collector within the territorial jurisdiction of a district. The Act came into force with effect from 12.05.1997 and the second respondent passed the order of cancellation of caste certificate of the petitioner on 20.12.1997. The petitioner also relied on the 'Fact Book' on Scheduled Castes and Tribes in Andhra Pradesh published by Bureau of Economics and Statistics, Government of Andhra Pradesh. In the list of Scheduled Caste communities in Kurnool District at Sl.No.4, 'Bariki' community is found. The petitioner also relied on a decision of this Court in **Duda Ramesh v. State of A.P.**¹, wherein this Court set aside the order of the District Collector canceling the Scheduled Caste certificate of the petitioners therein, on the ground that the District Collector passed the order by not following the proper procedure and without affording reasonable opportunity and also in violation of principles of natural justice. The said judgment is not applicable to the facts of the present case and, in the present case, the petitioner herein has not pleaded that there was violation of principles of natural justice and the present case is with regard

¹ 2005 (2) ALT 773

to rejection of the request of the petitioner for issuance of scheduled caste certificate in his favour.

6. However, in view of the serious issue involved in the case where the rights conferred upon a citizen belonging to scheduled caste under the Constitution of India have to be looked into in terms of his eligibility and the community finding its name in the list under Scheduled Caste, this Court feels that ends of justice would be met if a discrete enquiry is conducted at State level by the competent authority and resolve the issue once for all, in the interest of the scheduled caste community. The petitioner shall submit a representation before the Principal Secretary, Social Welfare Department, Government of Andhra Pradesh, first respondent herein, with necessary documents seeking redressal of his grievance, and on receipt of such representation, the first respondent, in consultation with the Scheduled Caste Commission, Andhra Pradesh, shall ascertain the origin and habitation of Bariki community and pass necessary orders and also to grant consequential relief, if the petitioner is found eligible.

7. Accordingly, the writ petition is disposed of. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 19-12-2017

Note: L.R. Copy to be marked.
B/o. TJMR