

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.14443 of 2009

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India seeking to declare the action of the respondents in not issuing the S.T. caste certificate (Jatapu) to the petitioner, as illegal, arbitrary and violative of the provisions of the A.P. (SC, ST & BC's) Regulation of Issue of Community Certificate Act, 1993 and Rules, 1997 and consequently direct the respondents to issue the S.T Caste Certificate (Jatapu) to the petitioner as per the rules.

2. Heard the learned counsel for both the parties and perused the material available on record.

3. The case of the petitioner is that the petitioner appeared for EAMCET-2009 and secured rank No.8416 with the Hall Ticket No.6007154 and the petitioner applied for ST Certificate and the same is pending with the respondent authorities. While so, the petitioner filed W.P.No.13797 of 2007 before this Court and this Court, by order, dated 18.06.2008, disposed of the W.P.No.13797 of 2007.

4. On perusal of the entire record, it is evident that the petitioner earlier approached this Court and filed W.P.No.13797 of 2007, wherein this Court disposed of the said writ petition vide order, dated 18.06.2008. The operative portion of the said order reads as follows:

“Under Rule 19 of The Andhra Pradesh S.C., S.T. and Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, the concerned Tahsildar is empowered to issue provisional community certificate.

In view of Rule 19 of The Andhra Pradesh S.C., S.T. and Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, this writ petition is disposed of directing the 1st respondent herein-Tahsildar, Gummalaxmi-puram, Vizianagaram District to issue provisional community certificate to the petitioners so as to enable them to seek admission in respective professional courses. The provisional community certificate shall be subject to the result of the enquiry pending before the Revenue Divisional Officer, Parvathipuram. The Revenue Divisional Officer, Parvathipuram is further directed to complete the enquiry and submit his report within a period of three months from the date of receipt of a copy of this order.”

5. It is informed by the learned Government Pleader for Social Welfare appearing for respondents 1 & 2 that the enquiry is still pending and orders are yet to be passed.

6. Considering the facts and circumstances of the case and the submissions of learned Government Pleader for Social Welfare, this Court is of the view that the writ petition can be disposed of with the following direction:

The competent authority to issue the Caste Certificate is directed to complete the enquiry within a period of eight (8) weeks, if the enquiry is not completed and pass appropriate orders within a further period of eight (8) weeks thereafter. If the petitioner is aggrieved by the order passed by the competent authority, she is at liberty to approach the appropriate forum.

7. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

RAJA ELANGO, J

Date: 3rd August, 2017

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214**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.14443 of 2009**Date: 3rd August, 2017

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