

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.20098 OF 2008

O R D E R

The case of the petitioner as per the averments made in the writ affidavit is that she belongs to 'Nakkala Tribe' community, which is notified as Scheduled Tribe under the Scheduled castes and Scheduled Tribes Order in the II Schedule at Entry No.34. The competent authority i.e., the Deputy Collector and Tahsildar, Saroornagar, Rangareddy District, after due verification as per rules in vogue, issued caste certificate. After completion of graduation, she has applied for I-CET 2008 entrance examination for admission into MBA course. She was issued hall ticket No.14120190 and in the entrance examination, secured rank of 67162 and appeared for counselling and submitted the relevant documents. It appears that the 3rd respondent – Convenor, ICET 2008 admissions, requested the 2nd respondent – Director of Tribal Welfare, Government of Andhra Pradesh, to verify the genuineness of the caste certificates submitted by the aspiring candidates, including the petitioner. The 2nd respondent – Director of Tribal Welfare, by memo in Rc.No.1778/2008/TRI/VC-4 dated 1.8.2008 stated that the social status claim of the petitioner is found to be doubtful and required the 3rd respondent – Convenor to keep the seat of the petitioner in abeyance, and no fee shall be accepted until clearance certificate issued about her claim from the said authority or District Collector concerned. Aggrieved by the memo dated 1.8.2008, the present writ petition has been filed.

The learned counsel for the petitioner submits that petitioner was issued with the caste certificate by the competent authority and the 2nd

respondent – Director of Tribal Welfare, has no jurisdiction to doubt the said caste certificate. He further submits that Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes And Backward Classes) Regulation of Issue of Community Certificates Act, 1995 (for short 'the Act'), provides for the procedure for cancellation of false caste certificates. He contends that without following the procedure under the said provision, the 2nd respondent is not justified in issuing the impugned memo requiring the 3rd respondent - Convenor to keep the seat of the petitioner in abeyance. With these submissions, he sought to set aside the impugned memo.

The learned Assistant Government Pleader for Social Welfare submits during ICET 2008 counselling for admission into MBA/MCA courses, the 3rd respondent – Convenor requested the 2nd respondent – Director of Tribal Welfare to verify the claim of the social status of the petitioner and accordingly on verification, the said authority by reasons stated in the impugned memo, found the caste certificate of the petitioner doubtful and accordingly required the 3rd respondent – convenor, to keep the seat allotted to the petitioner in abeyance till clearance by the competent authority. Hence, there is no illegality in the impugned memo and sought to dismiss the writ petition.

This court while admitting the writ petition on 15.09.2008 passed the following interim order:

“There shall be interim direction to R-3 and R-4 to treat the petitioner as ST (Scheduled Tribe) candidate and grant admission since seat has already been given in R-4 institution, subject to further orders.”

The counselling was of the year 2008 and this court granted the above interim order. By now, the petitioner, in all probability, might have completed the course. Be that as it may. However, once the competent authority has issued the caste certificate and if the same is in doubt, for cancelling the same, procedure is contemplated under Section 5 of the Act and the said procedure is required to be followed. Therefore, without expressing any opinion on merits, the writ petition is disposed of directing the respondents 1 and 2 to follow the procedure under Section 5 of the Act and take appropriate action in accordance with law. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

DATE: 05—06—2017

AVS

A. RAJASHEKER REDDY, J

