

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 21084 of 2010 and 20713 of 2011

COMMON ORDER:

1) W.P.No.21084 of 2010 came to be filed by Banjara Sanar Seva Sangh, Sngampalli Thanda, Atmakur Mandal, Anantapur District, rep. by its President, seeking issuance of writ of mandamus declaring the action of the Mandal Revenue Officer/Tahsildar, Kuderu Mandal, in not issuing permanent S.T.Community Certificate to Sugali Kamsali or Thanda Kamsali people of Sngampalli Thanda of Atmakur Mandal, Anantapur District, as illegal, arbitrary and against law; and consequently to direct the respondents to issue S.T.Community certificate to the above said Thanda residents forthwith.

2) W.P.No.20713 of 2011 came to be filed by one Sugali Chandra Sekhar, seeking issuance of writ of mandamus, declaring the action of the Mandal Revenue Officer/Tahsildar, Atmakur Mandal, Anantapur District, in issuing proceedings No.B/ 203/ 2011 dated 30.06.2011 as per Lr.Pc.No.MC3/ 2269/ 07, dated 02.10.2007 issued by the District Collector, Anantapur, as illegal, arbitrary, unjust and against the provisions of the Andhra Pradesh (Schedule Castes, Schedule Tribes and Backward Classes) Regulation of Issuing of Community Certificates Act, 1993; and consequently to set aside the orders passed by the respondents and direct the respondent to issue S.T.Community Certificate in favour of the petitioner.

3) Since the relief in both the writ petitions is one and the same, both the writ petitions are disposed of by way of this common order.

4) After declaring the results of 10<sup>th</sup> class, the petitioner in W.P.No.20713 of 2011 intended to join higher education under reserved S.T.quota. Accordingly, he approached the Mandal Revenue Officer, for issuance of community Certificate as S.T. basing on an order passed by this Court in W.P.No.15414 of 2008. He also claims to have produced previous community certificate issued by the very same authority in the name of the petitioner. Without considering the request, the Mandal Revenue Officer is said to have issued a letter in Dis.No.172/2011/B, dated 04.05.2011 stating that it is not possible to issue community certificate to him as the case is pending before the High Court. The same was questioned before this Court by filing W.P.No.14157 of 2011, which was disposed on 13.06.2011 directing the petitioner to submit an application within two weeks from that day and the competent authority was directed to consider the application and pass appropriate orders, within four weeks thereafter. Till then, the authorities concerned were directed not to disturb the studies of the petitioner. But without following the order passed, the authorities passed the impugned order rejecting the request. Challenging the same, W.P.No.20713 of 2011 came to be filed.

5) By an order, dated 05.08.2011, this Hon'ble Court while admitting the writ petition, passed the following interim order:

“Pending further orders, the studies of the petitioner shall not be disturbed on the basis of the impugned proceedings dated 30.06.2011.”

6) A detailed counter came to be filed, narrating various circulars, orders and factual aspects with regard to the difficulty in issuing S.T. community certificate to Sugali Kamsali People of Sngampalli Thanda village. It is stated in the counter that Sugali (ST) people of Sngampalli Thanda, H/o. Padmati Yaleru Village of Atmakur Mandal, made a representation dated 23.07.2007 to the District Collector, Anantapur, alleging that certain persons in Sngampalli Thanda are enjoying the benefits of S.Ts. by obtaining fraudulent caste certificate as Sugali Kamsali (ST) even though they belong to Kamsala (BC) and that they are getting scholarships and jobs which were reserved for scheduled tribes. Pursuant to the said representation, the District Collector directed the Revenue Divisional Officer, Anantapur to enquire into the matter and submit a report. Vide letter R.Dis.No.C/ 1402/ 2007 dated 02.08.2007, the Revenue Divisional Officer, Anantapur, submitted a report stating that the Director, Tribal Cultural Research and Training Institute, Hyderabad, has already conducted a survey on the claim of Sugali Kamsali/Thanda Kamsali community people, who are claiming the caste status as scheduled tribes in Sngampalli Thanda and clarified that Sugali Kamsali/Thanda Kamsali of Sngampally Thanda shall be treated as scheduled tribes. The District Collector vide letter Rc.No.MC3/ 5569/ 2007, dated 23.08.2007, again requested the Director, Tribal Welfare Department, Hyderabad, to conduct fresh enquiry in the light of

marriage performance, untouchability among the castes of Sugali and Kamsali Sugali. Vide letter, dated 28.09.2007, the Director of Tribal Welfare, Hyderabad, requested the District Collector, Anantapur to instruct the concerned not to issue ST certificate to Thanda Kamsali/ Sugali Kamsali people of Sngampalli Thanda, as the matter is under further examination. Accordingly, the District Collector, Anantapur, directed the Tahsildar, Atmakur, to stop issuance of schedule tribe community certificate to Thanda Kamsali/ Sugali Kamsali people of Sngampalli Thanda of Atmakur Mandal, until further orders. It is stated that since then no orders are being passed by the Government as the matter is under examination. This was in the year 2007. Even in the year 2011, the Government did not clarify the status of Sugali Kamsali/ Thanda Kamsali and also as to whether they are entitled for issuance of S.T.community certificate.

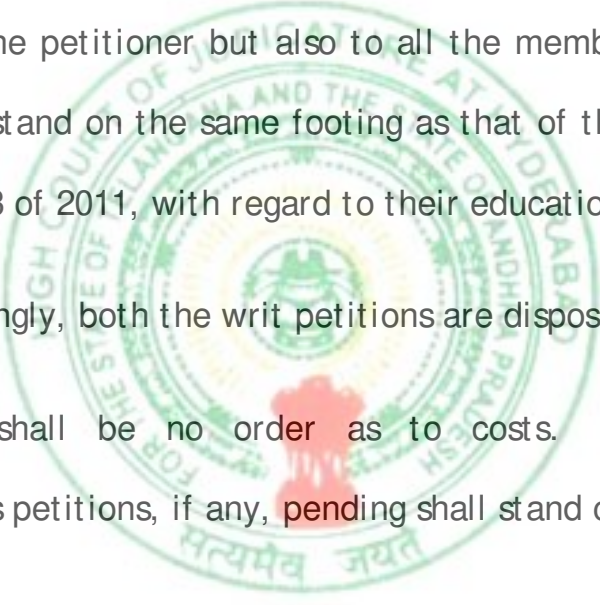
7) The counter dealt with the events which took place prior to 2011, but they admit that since the orders from the Government are awaited, the action of the Collector cannot be found fault with. One fact which is to be noted is that from the year 2007 onwards, the request of the petitioner for issuance of community certificate is being dodged on one pretext or the other. No substantial reasons are forthcoming, in the counter filed by the Mandal Revenue Officer, as to why no orders are passed by the Government till date. Infact, the 1<sup>st</sup> respondent, who is a party to the proceedings, has not filed any counter till date. Since no orders are passed from the year 2007, in spite of the report being

submitted by the Director, Tribal Welfare, this Court is of the view that the benefit which has been extended to the petitioner by way of interim order shall continue not only to the petitioner but also to the members of the petitioner's sangam in W.P.No.21084 of 2010 with regard to their education till appropriate orders are passed by the 1<sup>st</sup> respondent, if not already passed.

8) Having regard to the observations made, it is reiterated that till such orders are passed, the benefit given to the petitioner in W.P.No.20713 of 2011 by way of interim order shall be extended not only to the petitioner but also to all the members of the said village, who stand on the same footing as that of the petitioner in W.P.No.20713 of 2011, with regard to their education.

9) Accordingly, both the writ petitions are disposed of.

10) There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending shall stand closed.

  
JUSTICE C. PRAVEEN KUMAR

23.03.2017

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