

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

**WRIT PETITION Nos.42149, 42150, 42167, 42174, 42175,
42183, 42184 and 42190 of 2017**

COMMON ORDER:

All these Writ Petitions are being disposed of at the admission stage with the consent of the learned Counsel appearing for the petitioners as well as for the respondents.

The common case of the petitioners is that they were appointed as Junior Plant Attendants pursuant to an application made by them. They underwent the selection process and their certificates were verified before giving appointment orders. The orders of appointment issued in 2013 imposed some conditions and among other conditions they include the condition that the appointment was subject to verification of ITI, SSC, Community, Local Scheduled Tribe Certificate/Agency Area Certificate, Nativity/School Study and PH certificates and found "genuine". It was also clearly stated that if those certificates are found to be "fake or bogus", their services would be terminated without any notice. Later on when they completed their probation, a Memo was issued by the Chief Engineer on 12.07.2017 declaring probation after completion of satisfactory service of two years on duty within a continuous period of three years of service but holding it as provisional and liable to be cancelled/reviewed/revived at a

later date subject to the outcome of the orders passed in various Writ Petitions pending before this Court.

It is the common case of the petitioners that their certificates were verified by the respective Tahsildars and they sent a report to the concerned Chief Engineer and in spite of the same, now a notice is issued asking them to appear before the Committee for enquiry on 12.12.2017 at 11:00 am in the chamber of Joint Collector, District Collector's Office, Bhadradri Kothagudem, to establish their residence in Agency Area since 26.01.1950 along with all documentary evidence in support of their genuinity pertaining to their claim as Local Scheduled Tribe candidate.

The issue in all these cases does not relate to the Community Certificate issued in favour of the petitioners, but the Agency Area Certificate to be produced by them in order to show that they are genuine Scheduled Tribes living in the Agency Area since 26.01.1950 for their appointment as well as their continuance in the posts. The said verification is sought to be done by taking the aid of G.O.Ms.No.3, Social Welfare (TWEDN.II) Department, dated 10.01.2000, which was issued while appointing teachers and reserving all vacancies in the Educational Institutions within the Scheduled Areas in favour of Local Scheduled Tribes. Learned Counsel appearing for all the petitioners submits that the said Government Order is not applicable to the case of the petitioners and what is applicable

is only G.O.Ms.No.97, Social Welfare (TW.EDN.) Department, dated 18.10.2001, which was issued under Paragraph 5 of the Fifth Schedule to the Constitution of India. He further submits that the stipulation of residence from 26.01.1950 is not applicable to their cases and if they fulfill the requirement of Scheduled Tribe category, it is sufficient. However, he admits that the said Scheduled Tribe candidate should be a resident of local area. Now the verification is sought to be conducted in order to see whether the petitioners were residents of that local area or not. Such a course of action cannot be interdicted by this Court at this stage, as the very appointment of the petitioners was on the basis of their local residence and the proof of such residence is sought to be enquired by the competent authority.

Though the learned Counsel for the petitioners brought to the notice of this Court various interim orders, since the cause of action in the present Writ Petitions does not involve the verification of facts or law, and since all the cases are filed only at the stage of notice for attending the enquiry, these Writ Petitions are disposed of with the consent of the learned Counsel. At this stage, learned Counsel for the petitioners pointed out that in many cases when the authorities noticed that the persons did not fulfill the requirement of local area, their services are being terminated immediately without giving any opportunity.

It is needless to observe that since the petitioners were appointed after undergoing selection process, before taking any action with regard to the termination of their services, the concerned authority shall follow due process of law.

The Writ Petitions are, accordingly, disposed of. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

12.12.2017

Note: Issue C.C by 14.12.2017.

B/o.
vs

