

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION NO.17090 of 2001

ORDER :

This Writ Petition is filed challenging the order in G.O.Ms.No. 66, Social Welfare (CV-2) Department, dated 18.07.2001, issued by the 3rd respondent rejecting the appeal filed by the petitioner, challenging the cancellation of his caste certificate. A consequential direction is also sought for continuation of service of the petitioner till his superannuation with the 1st respondent herein.

2. The brief facts, which are necessary for disposal of this Writ Petition, are that the petitioner is working as Senior Office Assistant in the Airport Authority of India. He was appointed against ST vacancy; he belongs to ST (Erukula) community; he was issued a caste certificate by Tahsildar on 21.08.1978; he never used the said certificate in his employment; basing on certain complaints, the Social Welfare Department as well as C.B.C.I.D. conducted enquiry; the matter was referred by the Collector to the M.R.O. and the M.R.O., in turn, directed the Revenue Inspector to verify ; basing on the information of the Revenue Inspector, the Mandal Revenue Officer submitted a report to the Collector; the Collector placed same before the District Committee and the District Committee opined that the petitioner does not belongs to S.T.; the District Collector cancelled his caste certificate vide proceedings dated 09.09.1998; challenging

the said cancellation, the petitioner preferred an appeal to the Government; as the said appeal was rejected, questioning the same, the present Writ Petition has been filed.

3. Counter affidavit has been filed by the respondent No.1 and 2, stating that the petitioner already retired from service on attaining the age of Superannuation. The petitioner was sentenced on conviction for two years rigorous imprisonment by II Metropolitan Magistrate, Visakhapatnam. He was initially dismissed from service and by virtue of the order of the appellate authorities, he was reinstated into service and later retired on attaining the age of superannuation.

4. The District Collector filed a Counter Affidavit, stating that he examined the matter in detailed after giving opportunity to the petitioner and passed the impugned order, cancelling the caste certificate.

5. When the matter came up for admission, an interim order was passed on 17.08.2001 to continue the petitioner in service. Pursuant to the said interim order, the petitioner was continued in service and on attaining the age of superannuation, in the year 2008, he retired from service.

6. None appeared for the petitioner. The learned counsel appearing on behalf of respondents 1 and 2 submits that the petitioner has retired on attaining the age of superannuation in the year 2008 and all the terminal benefits have been settled to the petitioner herein.

7. The learned counsel for the respondents 1 and 2 further submits that in view of the fact that the petitioner has already retired from service, the Writ Petition has become infructuous, basing on the judgment reported in **Union of India and others Vs.Narender Singh¹**.

8. As the petitioner has already retired from service in the year 2008, as he himself has stated that he never claimed any benefit from the said caste certificate, the Writ Petition is closed as no further orders are necessary in this case. No order as to costs.

9. Miscellaneous petitions, if any, pending in this Writ petition, shall stand closed.



KONGARA VIJAYA LAKSHMI,J

Dated: 23rd March, 2018.

JR

¹ 2005 (6) SCC 106

