

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2870 OF 2018

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondent 1 to 3 in not issuing Schedule Tribe certificate to petitioners which is contrary to the Presidential Order notified through the notification dated 29.10.1956 called as “the Scheduled Caste and Scheduled Tribe lists (Modification) order 1956” and the Presidential Order notified and called as “the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act 1976 No.108 of 1976” dated 18 09 1976 is highly illegal, improper, unjust, arbitrary, without any authority besides in violation of Fundamental Rights of the petitioner guaranteed under Article 14, 15 and 21 of the Constitution of India and consequently direct the respondent 1 to 3 especially 3rd respondent to issue the caste certificate in favour of the petitioners by recognizing them as Bagata Schedule Tribe.”

2. Heard learned counsel for the petitioners, learned Government Pleader for Social Welfare (A.P.) appearing for respondent No.1 and the learned Government Pleader for Revenue (A.P.) appearing for respondent Nos.2 and 3.

3. Petitioners herein claim to be the residents of Balada Village, Kothuru Mandal, Srikakulam District. The grievance of the petitioners in the present writ petition is non-issuance of Scheduled Tribe Certificates in their favour by the respondents.

4. It is submitted by the learned Government Pleaders that the petitioners herein have to make their applications under the provisions of Section 3 of Act 16 of 1993 and if such applications are made, the same will be verified and appropriate action will be taken strictly in accordance with law after holding enquiry.

5. Recording the said submission, the Writ Petition is disposed of, keeping it open to the petitioners herein to make appropriate applications for issuance of caste certificates in their favour within a period of two (2) weeks from the date of receipt of a copy of this order and if any such applications are made, the same be verified and appropriate final action be taken strictly in accordance with law after holding enquiry as per Act 16 of 1993 and the Rules framed there under as expeditiously as possible, preferably, within a period of two (2) months from the date of filing such applications. There shall be no order as to costs.

6. Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 07.03.2018

Note:- Furnish C.C. within two (2) days.

B/O
AMD

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Date: 07.03.2018

AMD