

* IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
* HONOURABLE SRI JUSTICE T. AMARNATH GOUD

+ W.P.NO.4196 of 2018

% Date: 14-02-2018

Between:

R. Ranga Swamy Raju, S/o. R. Pedda Swamy Raju,
Occ: Junior Asst, working at Prl. Senior Civil Judge, Court,
Kurnool, R/o. H.No.87-132-4, Srilakshmi Nagar,
Near Madhavi Nagar, B. Camp Post, Kurnool.

... Petitioner

And

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Social Welfare Department (Tribal Welfare (CV-2), Secretariat, Velagapudi, Amaravathi.
2. The District Collector, Kurnool, Kurnool District.
3. The Tahasildar, Nandyal, Kurnool District.
4. The District Level Scrutiny Committee Members, Kurnool, O/o. District Collector, Kurnool, Kurnool District.
5. The Hon'ble Principal District Judge, Kurnool District Court Complex, Kurnool, Kurnool District.

... Respondents

! Counsel for the Petitioners : Mr. G. Ravi Mohan

^ Counsel for Respondent Nos.1 to 4 : G.P. for Social Welfare (AP)

^ Counsel for Respondent No.5 : Smt. Bobba Vijayalakshmi (SC)

< GIST:

> HEAD NOTE:

? Cases referred

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ORDER: (per VRS,J.)

Aggrieved by the failure of the 1st respondent to dispose of an appeal filed on 05.01.2017 as against the cancellation of his community certificate, the petitioner has come up with the above writ petition.

2. Heard Mr. G. Ravi Mohan, learned counsel for the petitioner, the learned Government Pleader for respondents 1 to 4 and Smt. Bobba Vijayalakshmi for the 5th respondent.

3. By proceedings dated 01.12.2016 the District Collector held that the petitioner does not belong to the "Koya" community, which is classified as a Schedule Tribe. As against the said order, the petitioner filed an appeal to the 1st respondent herein on 05.01.2017. Though more than one year has passed, the appeal has not so far been disposed of.

4. However, in the meantime, the 5th respondent issued a show cause notice dated 29.01.2018 calling upon the petitioner to show cause as to why his services should not be terminated, in view of the cancellation of his community certificate. Therefore, the petitioner has come up with the above writ petition.

5. The main prayer in the writ petition is only to direct the 1st respondent to dispose of the appeal dated 05.01.2017. But the interim prayer is to put on hold the show cause notice. In other words, the interim prayer does not arise out of the main relief.

6. It is true that the order dated 01.12.2016 was appealed against, by the petitioner on 05.01.2017. But it appears that subsequently the order dated 01.12.2016 was amended to correct a few clerical and

typographical mistakes, by the proceedings dated 20.04.2017. Even then a period of more than 9 months has passed and the 1st respondent cannot keep it pending.

7. Therefore, the writ petition is disposed of directing the 1st respondent to first take up the application for interim stay filed by the petitioner and pass orders one way or the other, within a period of four weeks. Thereafter, the 1st respondent shall take up the main appeal and dispose of the same within a further period of three months. If the petitioner is unable to secure a stay within four weeks as we have directed, it will be open to the 5th respondent to proceed with pursuant to the show cause notice. There shall be no order as to costs.

8. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed.



V.RAMASUBRAMANIAN, J.

T. AMARNATH GOUD, J.

14th February, 2018
Js

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HON'BLE SRI JUSTICE T. AMARNATH GOUD

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(per VRS, J.)



14th February, 2018

Js.