

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 493 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring G.O.Ms.No.93, Social Welfare (CV.2) Department, dated 27.11.2006, issued by the 1st respondent, confirming the order of the 2nd respondent dated 06.03.2003, as illegal and arbitrary.

2. Heard Sri D.V. Nagarjuna Babu, learned counsel for the petitioners, and the Assistant Government Pleader for Social Welfare appearing on behalf of the respondents.

3. It has been contended by the petitioners that on erroneous grounds, the 2nd respondent passed orders dated 06.03.2006 cancelling their caste certificates though they were issued by the competent authority. Aggrieved by the same, they preferred an appeal before the 1st respondent, but the 1st respondent, without considering any of the contentions raised by them, has mechanically dismissed the appeal preferred by them vide G.O.Ms.No.93 dated 27.11.2006. It is further contended that in the said G.O., the 1st respondent has only recorded the grounds of appeal in the first page and the remarks of the 2nd respondent in the second page and discussed the case and observed in the third page that in spite of giving opportunities to the petitioners, they have neither availed the opportunities nor produced any documentary evidence and, accordingly, rejected the appeal filed by

the petitioners, confirming the orders of the 2nd respondent. Aggrieved by the same, the present writ petition is filed.

4. The principal contention raised by the learned counsel for the petitioners is that no opportunities were given to the petitioners and that the 1st respondent ought to have addressed each and every ground raised by the petitioners, but contrary to it, the 1st respondent had mechanically rejected the appeal preferred by the petitioners.

5. The Assistant Government Pleader for Social Welfare appearing on behalf of the respondents has contended that the 2nd respondent had given every opportunity to the petitioners and even in the appeal, opportunity was given to the petitioners, but they have not availed the same and produced any documentary evidence. Therefore, no interference is called for from this Court.

6. Having considered the submissions made by the parties and perused the record, this Court is of the view that admittedly, the contentions raised by the petitioners were not dealt with by the appellate authority and the appellate authority being the quasi judicial authority ought to have passed a reasoned order by taking into consideration the legal contentions raised by the petitioners. Therefore, ends of justice would be met, if the impugned G.O. is set aside and the matter is remanded back to the appellate authority for fresh consideration.

7. Accordingly, the writ petition is allowed and G.O.Ms.No.93, Social Welfare (CV.2) Department, dated 27.11.2006, issued by the 1st respondent-appellate authority is set aside. The matter is remanded back to the appellate authority for fresh consideration and the appellate authority is directed to adjudicate the case on merits, after giving opportunity to the petitioners, within two (2) months from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

20th September, 2018
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 493 of 2007
(allowed)

20th September, 2018

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