

**-THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE N.BALAYOGI**

Writ Petition No.6899 of 2018

ORDER: {Per Hon'ble Sri Justice Ramesh Ranganathan }

The relief sought for in this writ petition is for a direction to the High Court to consider the petitioner's representation dated 23.10.2017 regarding the community status of the 2nd respondent.

In his representation the petitioner contended that the 2nd respondent, who was appointed as an Additional Public Prosecutor, did not belong to the Scheduled Castes, and yet claimed to be one; and her appointment as an Additional Public Prosecutor, under the Scheduled Caste category, should therefore be cancelled.

While Sri K.Chidambaram, learned counsel for the 2nd respondent, would submit that the 2nd respondent has been granted a Scheduled Caste community certificate by the competent authority, it is wholly unnecessary for us to dwell on this issue, as the relief which the petitioner seeks is only for his representation to be considered in accordance with law.

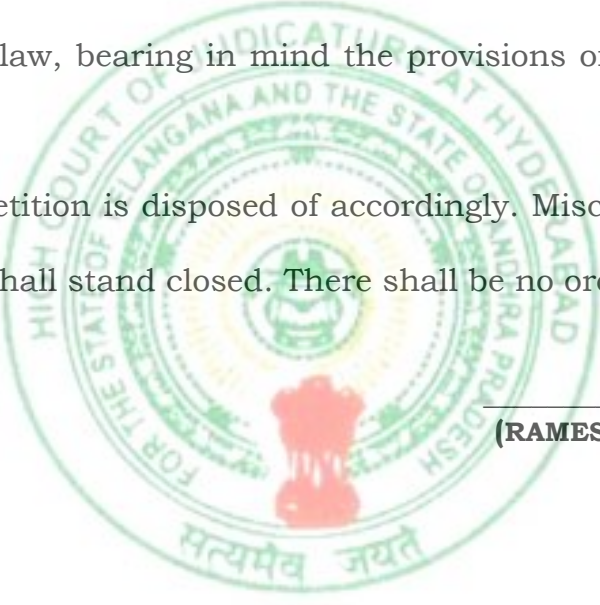
Sri K.Chidambaram, learned counsel for the 2nd respondent, would submit that, during the pendency of this writ petition, a notice was issued to the 2nd respondent on 11.07.2018; she has submitted her explanation on 23.07.2018; and the matter is pending consideration before the High Court on the administrative side.

The Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for short "the 1997 Rules") were made under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short "the 1993 Act"). Under Rule 18 thereof, any complaints regarding the

community claim of any employee must be referred to the District Collector who shall, in turn, get it verified by the Scrutiny Committee constituted at the District level under Rule 8.

If as is now contended before us by Sri K.Chidambaram, learned counsel for the 2nd respondent, that the 2nd respondent has been granted a community certificate by the competent authority that she belongs to Scheduled Caste, the procedure to cancel such a caste certificate, even if there is any doubt regarding the caste status of the 2nd respondent, can only be in accordance with the 1997 Rules. Needless to state that the 1st respondent shall, while considering the petitioner's representation and the 2nd respondent's explanation pursuant thereto, pass orders thereupon, in accordance with law, bearing in mind the provisions of the 1993 Act and the 1997 Rules.

The Writ Petition is disposed of accordingly. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.



(RAMESH RANGANATHAN, J)

(N.BALAYOGI, J)

02nd August, 2018
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Date: 02.08.2018