

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.9818 OF 2018

ORDER:

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

“...to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the impugned action of the respondents in not issuing Community Certificate in favour of petitioners as belong to Konda Kapu of Scheduled Tribe Community, inspite of application made on 21.11.2015 by Registered Post, only on the ground of pendency of general enquiry before District Level Scrutiny Committee is highly illegal, arbitrary and violative of Article 14 of the Constitution of India and contrary to the provisions of The A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997 and pass such order or orders as this Hon'ble Court deems fit just and proper in the circumstances of this case. ”

2. I have heard the submissions of *Sri G.V. Shivaji*, learned counsel appearing for the petitioner, and of the learned Government Pleader for Social Welfare (AP) appearing for respondent Nos.1 to 3 and perused the material record.

3. The case of the petitioner is this: ‘She hails from Konda Kapu, which is a Scheduled Tribe Community. She was issued a Caste Certificate, on 19.11.2011, by 3rd respondent's office certifying that she belongs to Konda Kapu Community, recognized as a Scheduled Tribe as per the Certificate vide R.C.No.2059/2005, dated 30.10.2005, of the office of the Mandal Revenue Officer, Araku Valley. The petitioner requires a Community Certificate for attending EAMCET, since the Convener of EAMCET i.e., the 4th respondent is insisting for production of Community Certificate.

Therefore, the petitioner made an application, on 21.11.2015, by registered post to respondent No.3 for issuance of a Community Certificate. However, the Certificate was not being issued on the ground that a larger issue whether Konda Kapu Community is a Scheduled Tribe, is pending before the District Level Scrutiny Committee since 10 years. On the same ground, since 10 years or more, no person is being issued Community Certificate. Unless Community Certificate is issued, the petitioner cannot appear for the said entrance examination. Hence, the Writ Petition is filed.'

4. Learned Government Pleader for Social Welfare, on instructions, would submit that the issue is pending before the District Level Scrutiny Committee since several years is true.

5. Having regard to the facts and submissions, this Court is of the considered view that this Writ Petition can be disposed of directing the 3rd respondent to issue a Certificate desired by the petitioner in her application, dated 21.11.2015, through Mee Seva by following the procedure established by law within a period of one week from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. The order of this Court, however, is subject to the final decision of the District Level Scrutiny Committee.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

There shall be no order as to costs.

M.SEETHARAMA MURTI, J

March 23, 2018.

Note: Issue C.C. today.
B/O.MD