

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.26706 OF 2008

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents 1 to 3.

The prayer sought for in the writ petition is as under:

“to issue a writ of mandamus by setting aside the impugned proceedings in R.Dis.C5(M)1901/98, dated 16.06.2008 issued by the 2nd respondent in cancelling the caste certificate of the petitioner as bad, illegal, arbitrary and unconstitutional.”

The question that falls for consideration in the present writ petition is:-

‘Whether the impugned order passed by the 2nd respondent is sustainable in the eye of law?’

The matter arises under the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short ‘the Act’). By virtue of the impugned orders passed under Section 5(1) of the Act, the caste certificate issued in favour of the petitioner that he belongs to Scheduled Tribe community was cancelled, against which, an appeal under Section 7 of the Act lies to the Government. When a statutory appeal is available to the Government under the provisions of the Act, which is a self-contained Court, this Court is not inclined to entertain the writ petition. That apart, though a detailed affidavit is filed, it is not indicated as to how the present writ petition falls within the three

exceptions where a writ petition is maintainable even though an alternative statutory appeal is provided. Thus, without expressing any opinion on merits, this Court is inclined to dismiss the writ petition leaving it open to the petitioner to avail the statutory remedy of appeal before the appropriate authority as per law. It is needless to observe that all the grounds available to the petitioner can be raised in the appeal that would be filed by the petitioner. In such an event, the appellate authority is directed to consider the case of the petitioner uninfluenced by the orders passed in the case of petitioner's sister vide G.O.Ms.No.201, dated 15.11.2008.

Accordingly, the Writ Petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

P.KESHAHA RAO,J

14th NOVEMBER 2018.
Tsr

