

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21241 OF 2018

ORDER:

The case of the petitioner is that he was issued Community, Nativity and Date of Birth Certificate by the Tahasildr, Mahadevpur Mandal District, Karimnagar District on 19.08.2010, wherein he was shown as belonging to B.C-B category. Thereafter, he submitted application to the 3rd respondent on 19.06.2018 for digital copy of the said certificate. But, the same was rejected by the 3rd respondent by proceedings dated 19.06.2018. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner who submits that when petitioner's community certificate issued by the Tahasildar on 19.08.2010 is valid and subsisting, the respondents cannot reject the application of the petitioner for Digital Certificate; and that in similar circumstances, this Court in WP.No.23764/2013 held as follows;

“ As Section 5 of the Act prescribes a procedure for cancellation, it is only if, and after, the caste certificate issued in favour of the petitioner is cancelled can she be denied the benefits available to the backward classes. As long as the said certificate continues to remain in force, and no action has been taken under Section 5 of the Act, the petitioner is entitled to rely on the caste certificate issued in his favour in August, 2010 and claim all benefits to which a B.C-B category candidate is entitled to.

Since the Community, Nativity and Date of Birth certificate issued by the Tahasildar in August, 2010 is, admittedly, still in force, the respondents shall, within two days from the date of receipt of a copy of this order, furnish the petitioner a digital copy of the said certificate. It is made clear that this order shall not preclude the respondents from initiating action under Section 5 of the Act for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false.”

Though this Court granted time thrice, learned Assistant Government Pleader for Social Welfare again seeks time for instructions.

It is to be seen that petitioner filed Community, Nativity and Date of Birth Certificate issued by the Tahasildar, Mahadevpur Mandal District, Karimnagar District on 19.08.2010, wherein he was shown as belonging to B.C-B category. It is not known why the Tahasildar has rejected the application of the petitioner for grant of Digital Certificate, as long as petitioner's Community Certificate is valid and subsisting. The respondents cannot reject the application of the petitioner.

In view of the above, the writ petition is allowed setting aside the impugned endorsement dated 19.06.2018, and the 3rd respondent is directed to issue the petitioner a digital copy of the Backward Class Community Certificate, within two days from the date of receipt of a copy of this order. It is made clear that this order shall not preclude the respondents from initiating action

under Section 5 of the Act for cancellation of the caste certificate in favour of the petitioner, if they are of the view that the said caste certificate is false. No order as to costs.

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

A.RAJASHEKER REDDY, J

04.07.2018
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