

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION No.16906 OF 2015

ORDER:

There is no representation on behalf of the petitioner in spite of posting the matter under the caption 'for dismissal'.

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

"to issue writ order or direction more particularly one in the nature of mandamus by declaring that the action of the respondents refusing to issue Local Tribe Certificate in favour of the petitioner on the ground that she is not residing in the village as illegal, arbitrary, unconstitutional and direct the 2nd respondent to issue Local Tribe Certificate in favour of the petitioner and pass such other order orders as this Honourable Court deems fit and proper in the circumstances of the case."

The learned Government Pleader placed on record the letter in R.C.No.C/805/2015, dated 18.06.2015 issued from the office of Tahsildar, Buttaigudem to the Government Pleader for Revenue of this Court. The same is made part of the record. From the letter, it is evident that as per G.O.Ms.No.3 SW (TW-Edn.-II) Department dated 10.01.2000, the local Schedule Tribe means the candidates belonging to the schedule tribes notified as such under Article 342 of the Constitution of India and the candidates themselves or their parents have been continuously residing in the schedule area, in which they are residents, from 26.01.1950 to till date. However, the petitioner was not considered on the ground that she does not come within the purview of G.O.Ms.No.3. Her father Adapa Nageswararao is a non-tribe and Kapu by caste. He is a resident of Ramanujapuram of Koyyalagudem Mandal, which is non-schedule area. The petitioner's step-father Bhukya Durgarao is the resident

of Asupaka Village of Aswaraopeta Mandal of Khammam District of Telangana State. The petitioner is residing in the village of Koyarajahmundry village with her maternal grandmother Smt.Malothu Durgamma at present. Therefore, the petitioner is not eligible to get the local schedule tribe certificate from Buttaigudem.

Therefore, this Court, having regard to the facts mentioned in the affidavit filed in support of the writ petition as well as the contents of the letter dated 18.06.2015, is of the opinion that the petitioner is not entitled to get local schedule tribe certificate since her case does not come within the ambit of G.O.Ms.No.3, dated 10.01.2000. As such there are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

04th DEC EMBER 2018.
Tsr

P.KESHA VA RAO,J

