

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CONTEMPT CASE No.2179 of 2018

17.08.2018

Between:

Banoth Gopal and others

..Petitioners

and

Benhur Mahesh Dutt Ekka,
Secretary, Tribal Welfare Department,
Secretariat Buildings, Government of Telangana,
Hyderabad and others

..Respondents

Counsel for the petitioners: Mr.J.Nagaraja Rao

Counsel for the respondents: Assistant Government Pleader
attached to Advocate General (T.S.)

The Court made the following:



ORDER:

This contempt case is filed alleging willful disobedience of common order, dated 02.11.2011, in W.P.Nos.16160, 16182, 16654, 19417 and 21590 of 2010.

2. By the aforementioned order, this Court allowed W.P.Nos.16160, 16182, 16654, 19417 and 21590 of 2010, with the following directions.

“On both the grounds referred to above, the impugned orders are not sustainable. The Writ Petitions are, accordingly, allowed and the impugned orders are quashed. The District Collector-respondent No.2 is given liberty to initiate proceedings under the Rules, if he so desires. In the event of his choosing to initiate such proceedings, he shall ensure that the issue is referred to the Scrutiny Committee, constituted under Rule 8 of the Rules¹, and the said Committee completes the enquiry and submits its report and final orders are passed by him within a period of two months from the date of receipt of this order.”

3. The grievance of the petitioners is that in spite of the aforementioned order of this Court, proceedings have not been completed. From the perusal of the above reproduced portion of the order, it is clear that an option was given to respondent No.2 to initiate proceedings under the Rules if he so desires.

¹ The Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997

The direction to complete the proceedings within two months from the date of receipt of the said order applies only if he chooses to initiate proceedings. It is not the pleaded case of the petitioners that so far any communication has been sent to them informing that respondent No.2 has chosen to initiate proceedings under the Rules for cancellation of their community certificates. This being the admitted position, I do not find any reason for the petitioners to file this contempt case. Indeed, non-initiation of proceedings so far would be to the benefit of the petitioners and not to their detriment. The learned counsel for the petitioners has submitted that his clients are not being considered for appointment as Teachers on the ground that the community certificates are not genuine. If the petitioners have any such grievance, they are entitled to avail appropriate remedies in law.

4. Subject to the liberty given to the petitioners as above, the Contempt Case is dismissed.

C.V.NAGARJUNA REDDY, J

17th August, 2018
GHN