

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

Writ Petition No.10383 of 2008

ORDER:

The petitioner seeks a Writ of Certiorari calling for records relating to proceedings (M) Rc.No.802/2005 C5 dated 22.09.2006 issued by the 2nd respondent and also the orders of the Government in appeal vide Memo No.12915/CV.2/2006-1 dated 11-12-2006 and quash the same as illegal, arbitrary and violative of Article 14 of the Constitution of India apart from contrary to provisions of A.P (SCs, STs & BCs) Regulation of Issue of Community Certificate Act and also violative of principles of natural justice.

2) The petitioner filed the appeal against the order of 2nd respondent in his proceedings (M) Rc.No.802/2005 C5 dt.22.09.2006 before the 1st respondent with a delay of 5 days, as the impugned order was passed by the 2nd respondent on 22.09.2006. While-so, the 1st respondent in his proceedings dated 11.12.2006 dismissed the appeal on the sole ground that the appeal was filed after 30 days and hence it was time barred.

3) Learned counsel for petitioner would submit that the valuable rights of the petitioners are at stake and unless the appeal is disposed of on merits, any amount of prejudice will be caused to him and thus prayed to set aside the order in Memo No.12915/CV.2/2006-1 dated 11.12.2006 of the 1st respondent.

4) As can be seen, the 1st respondent dismissed the appeal on the sole ground that it was filed beyond the period of limitation. Since the delay in the instant case is bare minimum one and also considering the submission of petitioner that valuable rights of the petitioner are at stake, the impugned order in Memo No.12915/CV.2/2006-1 dated 11-12-2006 is set aside and the delay in filing the appeal is condoned and the 1st respondent is directed to dispose of the appeal on merits after affording opportunity to both parties to address their arguments. Such an exercise shall be completed within three(3) months from the date of receipt of a copy of this order. Till disposal of the said appeal, the interim order granted by this Court in WP MP No.13603/2008 shall continue.

5) With the above observations, this Writ Petition is disposed of.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

U.DURGA PRASAD RAO, J

Date: 10.09.2018
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