

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.NO.34172 OF 2018

O R D E R

On receipt of a complaint with regard to false claim of scheduled caste certificate by the petitioner, 1st respondent – District Collector, referred the matter under Rule 9 of Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 (for short 'the Rules') to the 3rd respondent – Chairman and Joint Collector, District Level Scrutiny Committee, Hyderabad District, and the said authority submitted its finding dated 21.08.2018, concluding that the caste certificate of the petitioner as 'S.C. – Madiga', is liable for cancellation. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that under sub rule (6) of Rule 9 of the Rules, the Scrutiny Committee, has to furnish its findings, but it cannot recommend for cancellation of caste certificate. He submits that since the 3rd respondent recommended for cancellation of caste certificate, contrary to sub rule 6 of Rule 9 of the Rules, the same cannot be considered by 1st respondent, and the said recommendation is liable to be set aside.

Heard the learned Government Pleader for Social Welfare.

On reference by 1st respondent under Rule 9 of the Rules, Scrutiny Committee, has only submitted its findings and admittedly, as on today, no adverse order has been passed against the petitioner, as such, the writ petition at the stage, is premature.

However, the conclusions of the Scrutiny Committee dated 21.08.2018, have to be considered as findings under sub rule 6 of Rule 9 of the Rules and the 1st respondent – District Collector, to take action accordingly, after following due procedure and it is open for the petitioner to challenge the same.

With the above observation, writ petition is disposed of.

Interlocutory applications pending, if any, shall stand closed. No costs.

DATE: 24—09—2018

AVS

A. RAJASHEKAR REDDY, J

