

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.39990 of 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleaders for Social Welfare and Revenue, apart from perusing the entire material available on record.

An endorsement, dated 30.10.2018, issued by the Tahsildar, Jukkal Mandal, Kamareddy District-third respondent herein, rejecting the claim of the petitioner herein for Scheduled Caste social status, is under challenge in the present Writ Petition.

When the matter is taken up, a preliminary objection, as to the maintainability of the Writ Petition, is taken stating that the impugned endorsement is appealable before the District Collector, under Section 7 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for brevity, 'the Act').

Section 4 of the said Act deals with issuance of community certificate by the competent authority. Under sub-Section (1) of Section 4 of the Act, competent authority may either issue a certificate or refuse to issue the same.

As per sub-Section (1) of Section 7 of the Act, any person aggrieved by an order, passed under sub-Section (1) of Section 4 of the Act, can file a statutory appeal before the

District Collector within thirty days from the date of receipt of the order.

In the instant case, without availing the said alternative remedy, the present Writ Petition has been filed directly before this Court.

In view of the above, leaving it open for the petitioner herein to file an appeal, within a period of one week from the date of receipt of a copy of this order, Writ Petition is disposed of, with a further direction to the second respondent herein to pass appropriate orders on the said appeal within a period of one month. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

06th November, 2018

Note:

*Furnish C.C. of the order
within one week.*

*B/o
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A.V. SESA SAI, J