

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

WRIT PETITION No.44509 of 2018

ORDER:

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

In the present Writ Petition, challenge is to the orders passed by the District Collector, Prakasham District-second respondent herein, vide proceedings in D.Dis.No.C4/99/2016, dated 19.08.2018, ordering cancellation of the caste certificate (Dudekula-BC-B) of the petitioner herein. As against the said order of cancellation, petitioner herein preferred a statutory appeal before the State Government-first respondent herein, under Section 7 of Act 16 of 1993, on 09.10.2018. Along with the said appeal, petitioner herein also filed Interlocutory Application seeking suspension of the order passed by the District Collector on 19.08.2018.

It is brought to the notice of this Court by the learned counsel for the petitioner that the District Educational Officer, SPSR Nellore District-fourth respondent herein called for explanation, vide proceedings in Rc.5936(A2)B4/2018, dated 29.09.2018. In response to the same, according to the learned counsel for the petitioner, petitioner herein submitted explanation on 09.10.2018.

It is the submission of the learned counsel for the petitioner that, though the petitioner filed appeal on 09.10.2018, so also the said Interlocutory Application, no orders have been passed by the first respondent, either on the main appeal or on the Interlocutory Application, so far. It is the further submission of the learned counsel that, in view of the absence of any orders by the first respondent, fourth respondent herein is proceeding further with the process of taking action departmentally, pursuant to the show cause notice, dated 29.09.2018, and, if the same is permitted, petitioner herein has to suffer irreparable loss and hardship and she has to lose her job also.

On the other hand, it is submitted by the learned Government Pleaders that, since the petitioner herein has also filed a statutory appeal before the first respondent, the present Writ Petition, under Article 226 of the Constitution of India, cannot be maintained simultaneously before this Court against the orders passed by the District Collector.

Having heard the learned counsel on either side and taking into consideration the pendency of the appeal, the stay application and the show cause notice, issued by the fourth respondent on 29.09.2018, and having regard to the submission made by the learned counsel for the petitioner that the petitioner is likely to lose her job, this Court deems it appropriate to dispose of the Writ Petition with a direction to the first respondent herein to verify the appeal, dated

09.10.2018, said to have been preferred by the petitioner herein against the orders of the District Collector, dated 19.08.2018, and pass appropriate orders, within a period of four months from the date of receipt of a copy of this order, after giving opportunity of being heard to all the stakeholders. Till the said exercise attains finality, *status quo*, as on today in all respects, shall be maintained by the respondents herein.

Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, shall also stand disposed of.

10th December, 2018
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A.V. SESA SAI, J

