

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.1417 OF 2019

Dated : 13.02.2019

Between:

Ranga Rajitha

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Women and Social Welfare Department,
Secretariat,
Hyderabad and others.

.. Respondents



THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No. 1417 OF 2019****ORDER :**

The petitioner challenges the Memo dated 10.01.2019, issued by the Tahsildar, Rajapeta Mandal, Bhongir District.

By the said Memo, the Tahsildar rejected the request of the petitioner to issue non-creamy layer certificate on the ground that the petitioner is presently working as Panchayat Secretary in Cheekati Mamidi Village of Bommala Ramaram Mandal.

The petitioner claims that she is native of Pamakunta village of Rajapeta Mandal and that her parents also reside in the said village. According to the Government of India instructions as adopted by the State Government, non-creamy layer certificate has to be issued by considering the income of parents and not the income of the applicant or if applicant is married, the husband of the applicant. As the parents of the petitioner reside in Pamakunta village, the Tahsildar of Rajapet ought to have issued the certificate, instead of directing the petitioner to go before the Tahsildar of the mandal where the petitioner is working.

Prima facie there is merit in the said contention. The Tahsildar of Bommala Ramaram Mandal cannot assess the income of parents as they are not residing in the said Mandal and the best person who can assess the income of parents is the Tahsildar of Rajapet Mandal, wherein the village of the parents of the petitioner is located.

Therefore, the Writ Petition is allowed. The impugned order is set aside and the matter is remanded to Tahsildar, Rajapet Mandal, for considering the application filed by the petitioner, to

grant non-creamy layer certificate. After assessing the income of the parents of the petitioner, the decision shall be taken within a period of two weeks from the date of receipt of a copy of the order and communicate the same to the petitioner. If the petitioner is entitled for issuance of certificate, the certificate shall be issued within four days from the date of taking the decision. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

13.02.2019.
vnb

P.NAVEEN RAO, J

