

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3457 OF 2019

Dated : 05.03.2019

Between:

Abdul Raheem .. Petitioner

And

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

.. Respondents



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ORDER:

Heard both sides.

2. This Writ Petition is filed alleging that even though the petitioner complained to the competent authority on 26.05.2014 that respondent No.7 obtained false caste certificate, claiming as belonging to Backward Class, but does not belong to Backward Class category and therefore his caste certificate should be cancelled and appropriate action should be taken, but no action is taken.

3. Learned Government Pleader does not dispute the fact of though the complaint was received, no action is taken.

4. The issuance of caste certificate and its cancellation are regulated by the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993, (for short, 'the Act'). Rules made under the Act prescribe the procedure of verification of claims for caste certificate and examination of the complaints against fraudulent claims. Particularly, Rule 9 deals with the issue in the Writ Petition. As per Rule 9 (1), where the District Collector receives a written complaint from any person that a person not belonging to Scheduled Castes/ Scheduled Tribes and Backward Class has obtained false community, nativity, Date of Birth certificate, the Collector should refer the case to the Chairman, Scrutiny Committee, to inquire into such cases, who shall send its

findings to the District Collector. Apparently, so far, the complaint is not acted upon.

5. Without expressing any opinion on merits and the rival claims on the issue, the District Collector is directed to examine the claim of the petitioner on the complaint lodged by him on 26.05.2014, in accordance with the Rules made under the Act of 1993 and take further course of action strictly following the procedure envisaged under the Act and the Rules. An opportunity should be given to respondent no.7 after consideration of the complaint of the petitioner. The rights and defences of respondent No.7 are fully preserved and there is no expression of opinion on the claim of the petitioner *vis-a-vis* the stand of respondent No.7. The District Collector is directed to act upon the complaint, consider the same and take appropriate action within the strict time frame, preferably, within a period of three months.

6. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

7. As a sequel thereto, Miscellaneous Petitions, if any, pending, shall stand closed.

JUSTICE P.NAVEEN RAO

05.03.2019
vnb