

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.5688 OF 2019

Date: 20.03.2019

Between:

K.Megha Shalini D/o. Kusuma Mallesh, Aged about 33 years,
r/o. Rudrampur Post, BK-65, Kothagudem, Khammam district.

.....Petitioner

and

The State of Telangana, rep.by its Prl.Secretary,
Social Welfare Department, Secretariat, Hyderabad and
others.

.....Respondents



The Court made the following:

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ORDER:

Petitioner claims to have obtained social status certificate recognizing him as a person belonging to Scheduled Caste. It appears, on a complaint filed, proceedings were set in motion under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act, 1993), and Rules, 1997 made there under to cancel Caste Certificate. As required under Section 5 of the Act, 1993, the issue was placed before the District Level Scrutiny Committee to conduct enquiry into on social status of petitioner. The District Level Scrutiny Committee enquired into the matter and submitted its report. In this Writ Petition, petitioner challenges the said report.

2. As per Section 5 of the Act, 1993, the competent authority has to decide the social status claim and can also cancel the certificate already issued if it was found to be a false certificate. Thus, the report has to be considered by the competent authority and has to take a decision as required by law. Even before a decision is taken by the competent authority canceling the social status certificate issued in favour of petitioner, and challenging the report submitted by the District Level Scrutiny Committee, petitioner cannot institute Writ Petition under Section 226 of the Constitution of India. The report of District Level Scrutiny Committee *per se* do not give rise to a cause of action.

3. The report may be the basis for the competent authority to take a decision in favour or against petitioner. It is always open to the competent authority to consider the issue and in a given case may not agree with the report and drop further action. Thus, what course of action the competent authority would adopt is in the realm of speculation. The issue can crystallize only when a decision is made by the competent authority against the petitioner. An aggrieved person can avail remedy as available in law if not satisfied with the decision taken, including on any deficiency in following the procedure required by law before canceling the Caste Certificate. At that stage, it is open to petitioner to challenge the finding recorded by the District Level Scrutiny Committee. Even before a decision is taken by the competent authority, as required by Section 5 of the Act, Court is not inclined to entertain the writ petition, as the issue is premature. Writ Petition is accordingly dismissed, leaving it open to the petitioner to work out remedy as available in law, as and when a decision is made. This Court is not expressing any opinion on merits. It cannot be expected that District Collector would not objectively consider the issue of social status claim of petitioner pending before him. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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