

HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.5758 OF 2019

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Certiorari declare the action of the respondent No.2 herein in cancelling the Schedule Caste Certificates of the petitioners herein vide Memo in D/175/2018 dated: 10.07.2018 as being illegal, arbitrary and violation of Article 14 & 21 of the Constitution of India and consequentially it is further prayed that this Honble Court may be pleased to call for records in D/175/2018 and declare the same to be illegal, arbitrary discriminatory and violation of principles of natural justice and Article 14 & 21 of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard Sri V.Raghunath, learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the 1st respondent and the learned Government Pleader for Social Welfare appearing for respondents 2 & 3.

3. The case of the petitioners is that they belong to Scheduled Caste (Mala) community and the same was acknowledged by the certificate issued by the Government of Telangana after following due process. The petitioners are very poor people and in dire need of assistance of Government for their upliftment.

4. The main grievance of the petitioners is that the 2nd respondent, at the instance of the 4th respondent, has rejected the caste certificates of the petitioners, *vide* impugned Memo bearing No.D/175/2018, dated 10.07.2018, without any enquiry or without

giving any opportunity to the petitioners for explaining their case. Aggrieved by the same, the present writ petition is filed.

5. Learned Government Pleader for Social Welfare appearing for respondents 2 & 3 has placed on record proceedings bearing No.B/145/2019, dated 03.04.2019, received from the office of the Tahsildar, Kotagiri Mandal, wherein it is stated that the Mandal Girdawar, Kotagiri, has enquired into the matter and reported that the petitioners regularly go to 'Joy Church', Kollur, and that they follow Christian methods and culture in their regular activities i.e., marriages, birth celebrations, death ceremony and they do not mingle with other community people of Kollur Village and there are no photos of God in their houses, there are no stickers in their faces, bangles on hands and Rangoli in front of their houses. The above said proceedings were issued basing on the enquiry report of Girdawar Kotagiri, dated 12.06.2018, which is referred to in the impugned Memo, dated 10.07.2018.

6. A fair perusal of the said impugned Memo neither indicate that the said enquiry report was furnished to the petitioners nor they were given any opportunity of hearing.

7. In view of the above reasons, the Writ Petition is allowed by setting aside the impugned Memo bearing No.D/175/2018, dated 10.07.2018. There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.

T.AMARNATH GOUD, J

Date: 30th April, 2019

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HON'BLE SRI JUSTICE T.AMARNATH GOUD


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