

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.12944 of 2019

ORDER:

This writ petition is filed challenging the proceedings Lr.No.C2/815/2018, dated 18.06.2019, passed by the 2nd respondent by cancelling the caste certificates of the petitioner under Section 5(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for short, 'the Act') read with Rule 9(7) of the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 (for short, 'the Rules').

2. Learned counsel for the petitioner submits that the petitioner was issued show-cause notice, dated 24.04.2019, for her appearance on 04.05.2019 before the 2nd respondent. Since the petitioner is working as Junior Civil Judge, Thorrur, and she is only judicial officer in the said Court, she cannot leave the station without obtaining prior permission from the I Additional District Judge. However, she has engaged an advocate, who appeared on 04.05.2019 and filed Vakalath, and the matter was again listed on 18.05.2019. Though the petitioner appeared on 18.05.2019, without being proper opportunity as envisaged under the provisions of the Act, the impugned order is passed. He further submits that the Scrutiny Committee, headed by the Joint Collector, has not issued any notice as per the procedure

envisaged under 8(d)(1) of the Rules and has not been followed before the submission of the report by the District Level Committee headed by the Joint Collector. As such, the impugned order is passed in violation of principles of natural justice.

3. Heard learned Government Pleader for Social Welfare.

4. Admittedly, the District Level Committee has not issued any notice headed by the Joint Collector as contended by the learned counsel, which is also evident from the impugned order. Earlier, the 2nd respondent issued a notice on 24.04.2019. Though Vakalat was filed, without giving sufficient time the 2nd respondent passed the impugned orders.

5. In view of the facts and circumstances, without going into the merits of the case, the writ petition is allowed by setting aside the impugned order, dated 18.06.2019 on the ground of principles of natural justice. It is open for the 2nd respondent to take appropriate action after following the due process of law and after issuing notice to the petitioner. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A. RAJASHEKER REDDY, J

27th June 2019

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