

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 18990 of 2019

Date : 30.8.2019

Between:

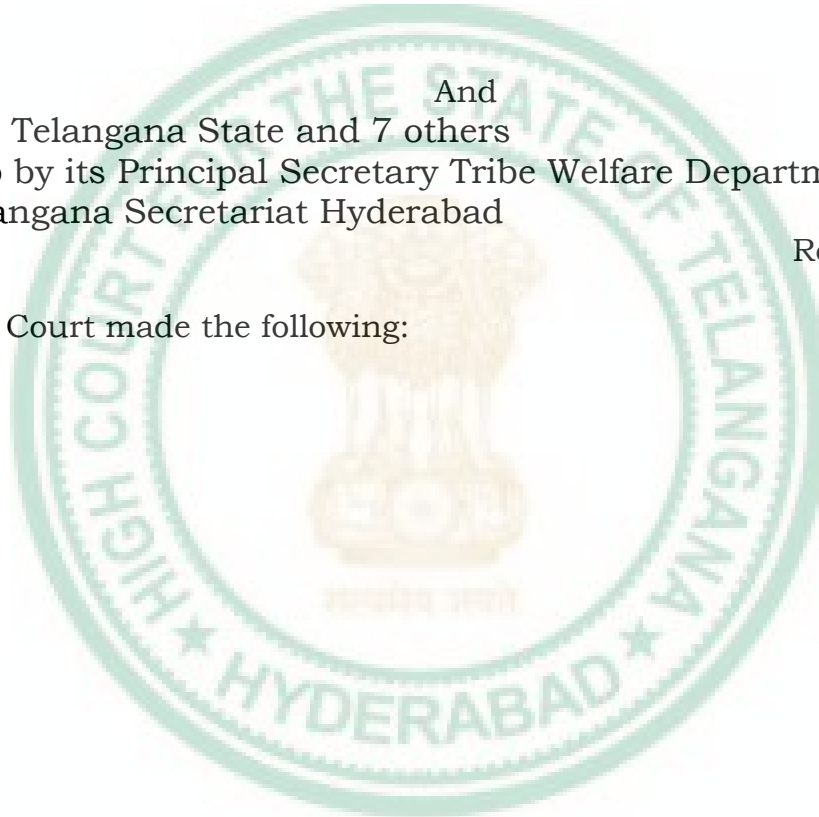
L Vidya Rani W/o Nenavath Jaisingh
Aged about 53 yrs Head Mistress Grade II ZP High School
Kanchanpally Nalgonda District R/o H No 371 Housing Board
colony Munugode Road Nalgonda Town and Dist Presently
residing at H No 5655 Teachers colony Bhongir
Yadadri Bhongir District

Petitioner

And
The Telangana State and 7 others
Rep by its Principal Secretary Tribe Welfare Department
Telangana Secretariat Hyderabad

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader for School Education and learned Government Pleader for Revenue.

2. Petitioner belongs to Rangrez caste, which is notified backward class. He claims that on 16.5.1989, he married Nenavath Jaisingh, who belongs to lambada caste, which is a scheduled tribe. After the said marriage, petitioner applied for community certificate as schedule tribe and the same was issued to her. Based on the said certificate, she secured employment as School Assistant in Nalgonda district and later promoted as Head Mistress Grade II on 5.12.1996. By orders dated 17.4.2010 the District Collector, in exercise of powers vested in him under Section 5 (1) of A.P. (SCs, STs and BCs) Regulation of issue of Community Certificate Act, 1993 (Act 16 of 1993) and Rules made thereunder, cancelled the ST lambada certificate issued to petitioner on 30.3.2009. Aggrieved thereby, petitioner preferred appeal. By orders in G.O.Ms. No.29 dated 3.7.2019, appeal was dismissed confirming the decision of the District Collector. Petitioner did not dispute that she belongs to backward class community and married a scheduled tribe person.

3. By marriage, a person do not get a social status of the spouse but continues to retain the status based on the social status of the parents. On this aspect, principle of law is well settled. The very issue was considered by this Court in **Smt. Suman Rathod Vs. The**

State of Andhra Pradesh (W.P. No. 22590 of 2009 dated 24.12.2013).

This Court held as under:

“36. In the case of **Kumari Madhuri Patil and another v. Additional Commissioner, Tribal Development and others** {1994 (6) SCC 241 }, Supreme court held that caste of a person is determined on the basis of the caste of her parents. The marriage does not change the social status of the person.

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38. The principle of law deducible from the precedents on the subject is, a claim of a person to grant status as Scheduled Tribe is based on place of birth in a Tribal community and such status cannot be acquired by residence or marriage. Thus, status of ordinary residence of State of Andhra Pradesh acquired by petitioner by marriage does not result in granting social status as Scheduled Tribe merely because petitioner is a Banjara. Furthermore, social status is granted only once and status granted to parents devolves to children. Social status granted to parents of petitioner was Backward Class. The same shall accrue to petitioner also even on migration to another state or after marriage.”

4. I therefore do not see any error in the decision of the District Collector as affirmed by the Government warranting interference. Accordingly, the writ petition is dismissed. Miscellaneous petitions, if any pending, are closed.

DATE: 30-8-2019
TVK

P NAVEEN RAO,J

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