

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.35347 OF 2017

ORDER

This writ petition was filed assailing the order dated 12.09.2017 passed by the Election Tribunal-cum-Court of the learned Senior Civil Judge, Siddipet, in O.P.No.36 of 2014 declaring the election of the petitioner as Member, Mandal Parishad Territorial Constituency, Duddeda-II, Kondapak Mandal Praja Parishad, Medak District, as null and void and further declaring the petitioner in the O.P., the first respondent herein, as the elected candidate for the said membership.

By order dated 03.11.2017 passed in W.P.M.P.No.43925 of 2017 filed in this writ petition, interim suspension of the order dated 12.09.2017 passed in O.P.No.36 of 2014 was granted, on the ground that it was not open to the Election Tribunal to go into the issue of validity of the caste certificate of the petitioner.

The admitted fact is that the petitioner belongs to a Scheduled Caste community and having married a person belonging to a Backward Class community, she obtained a caste certificate to the effect that she was a member of the Backward Class community and participated in the subject election to the post which was reserved for Backward Classes. W.V.M.P.No.4578 of 2017 was filed by the first respondent/election petitioner to vacate the aforesaid order on the ground that there are changed circumstances.

It appears that by order dated 02.11.2017, the Collector and District Magistrate, Siddipet, exercised power under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes)

Issue of Community Certificate Act, 1993 and cancelled the Backward Class caste certificate issued to the petitioner herein.

Sri L.Prabhakar Reddy, learned counsel for the petitioner, would fairly concede that though a writ petition, W.P.No.37999 of 2017, was initially filed against the aforesaid order dated 02.11.2017 of the District Collector, Siddipet, and an interim stay was granted for a period of four weeks initially, the same was dismissed thereafter relegating the petitioner to the statutory appellate remedy before the State Government, but the petitioner did not choose to file any such appeal.

In effect, the cancellation of the petitioner's caste certificate has attained finality. In consequence, she can no longer claim to be a member of a Backward Class community. As the subject post was reserved for Backward Classes, continuance of the petitioner in the said post on the strength of the cancelled Backward Class certificate cannot be countenanced. The order passed by the Election Tribunal to this effect, albeit on different grounds, therefore does not warrant interference.

The writ petition is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

20th MARCH, 2019

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