

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 1418 OF 2020

Between:

Chawan Dinesh, S/o. Seetharam, aged about 36 years, Occ: Private employee, R/o. # 1-31, Piklathanda, H/o. Mamidipalli Village, Sirpur-U mandal, Dist: Komarum Bhim Asifabad.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Tribal Welfare Department, Secretariat, Hyderabad.
2. The District Collector, Kumrambheem Asifabad District.
3. The Project Officer, Integrated Tribal Development Agency (ITDA), Uttoor, Dist: Adilabad.
4. The Tahsildar, Sirpur-U Mandal, Kumrambheem Asifabad District.
5. The District Forest Officer, Kumrambheem-Asifabad District.
6. The Telangana State Public Service Commission, Nampally, Hyderabad, Rep. by its Secretary.

R6 is impleaded as per C.O dt. 03/02/2020 in I.A.No. 2/2020

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the in-action of the Respondents-3 & 4 to issue the Agency Local Scheduled Tribe Certificate to the Petitioner within 45-days of the receipt of the letter from the 2nd Respondent dated 6.8.2019, by considering his various bonafides, documentary evidences and also genealogical study, as stipulated in G.O.Ms No. 24 Tribal Welfare (LTR.1) Dept., dated 12.06.2018 in consonance with the provisions of the A.P.(SC, ST & BC) Regulation of issue of Community Certificates Act, 1993 and the A.P. SC, ST, & Backward Classes, Issue of Community, Nativity & Date of Birth Certificates Rules 1997 (as notified vide G.O.Ms No. 58, Social Welfare (J) Dept. dated 12.5.1997), as illegal, arbitrary and in violation of Rules and particularly the Rules-5 & 8 of A.P. SC, ST, & Backward Classes, Issue of Community, Nativity & Date of Birth Certificates Rules 1997, Articles 14 & 335 of the Constitution of India and also against to the principles of natural justice and fair play, and to direct them to issue the Agency Local Scheduled Tribe Certificate to the Petitioner without any

further delay, or alternatively direct the Respondents-2 to 4 to take a declaration from the Petitioner and inform the Respondent No.5 to appoint him to the post of the Forest Beat Officer in accordance with Rule-19 of the above said Rules.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to order the Respondents-3 and 4 to take a declaration from the Petitioner and inform the Respondent No.5 to give him the Appointment Order as Forest Beat Officer, as per Rule-19 of AP (SC, ST & BCs) Regulation of Issue of community Certificates Act, and Rules 1997, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI A. ANAND ACHARY

Counsel for the Respondents: GP FOR SERVICES - II

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1418 of 2020

ORDER

This Writ Petition is filed seeking the following relief:

"to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the Respondents 3 and 4 to issue the Agency Local Scheduled Tribe Certificate to the Petitioner within 45 days of the receipt of the letter from the 2nd Respondent dated 6/8/2019 by considering his various bonafides, documentary evidences and also genealogical study as stipulated in G.O.Ms.No.24 Tribal Welfare (LTR.1) Dept, dated 12/6/2018 in consonance with the provisions of the A.P (SC, ST and BC) Regulation of issue of Community Certificates Act, 1993 and A.P SC ST and Backward Classes, issue of Community, Nativity and Date of Birth Certificates Rules 1997 (as notified vide G.O.Ms.No.58, Social Welfare (J) Dept, dated 12/5/1997 as illegal, arbitrary and in violation of Rules and particularly the Rules-5 and 8 of A.P SC ST and Backward Classes, Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, Articles 14 and 335 of the Constitution of India and also against to the principles of natural justice and fair play and to direct them to issue the Agency Local Scheduled Tribe Certificate to the Petitioner without any further delay or alternatively direct the Respondents 2 to 4 to take a declaration from the Petitioner and inform the Respondent No.5 to appoint him to the post of the Forest Beat Officer in accordance with Rule-19 of the above said Rules and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice and equality."

Heard Sri A.Anand Achary, learned counsel appearing for the petitioner and learned Government Pleader for services-II appearing for the respondents.

It is the case of the petitioner that he belongs to Scheduled Tribe (Lambada) and he is fully eligible and qualified to be appointed to the post of Forest Beat Officer. The respondents have

issued a recruitment notification on 15.08.2017. Pursuant to the said notification, the petitioner has applied and after undergoing selection process, he was provisionally selected. But the respondents are not giving posting orders on the ground that the Agency Local Scheduled Tribe Certificate produced by him was referred to the District Collector, Kumuram Bheem Asifabad, and the same is pending verification.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the District Collector, Kumuram Bheem Asifabad, to conclude the verification of Agency Local Scheduled Tribe Certificate so as to enable the appointing authority to give appointment to the petitioner, if the certificate produced by the petitioner is found to be genuine.

Learned Government Pleader appearing for the respondents contended that since the issue of verification of Agency Local Scheduled Tribe Certificate of the petitioner is pending before the District Collector, Kumuram Bheem Asifabad, the District Collector would verify the same within a reasonable period and if the certificate produced by the petitioner is found to be genuine, then the respondents would consider his case for appointment to the post of Forest Beat Officer.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed

of directing the petitioner to submit a representation to the District Collector, Kumuram Bheem Asifabad, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the District Collector, Kumuram Bheem Asifabad, shall consider the said representation and if the Agency Local Scheduled Tribe Certificate produced by the petitioner is found to be genuine, the District Collector should forward the same to the appointing authority to give appointment to the petitioner as Forest Beat Officer, within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

SD/-N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Tribal Welfare Department, State of Telangana, Secretariat, Hyderabad.
2. The District Collector, Kumrambheem Asifabad District.
3. The Project Officer, Integrated Tribal Development Agency (ITDA), Uthoor, Dist: Adilabad.
4. The Tahsildar, Sirpur-U Mandal, Kumrambheem Asifabad District.
5. The District Forest Officer, Kumrambheem-Asifabad District.
6. The Secretary, Telangana State Public Service Commission, Nampally, Hyderabad.
7. One CC to Sri A. Anand Achary, Advocate [OPUC]
8. Two CCs to GP for Services - II, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.

MP



HIGH COURT

DATED:31/12/2020



ORDER

WP.No.1418 of 2020

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

SV
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Dt 07/01/2021