

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No.17092 of 2019

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for issuing a *Writ of Mandamus* to declare the action of the 2nd respondent-District Collector, Karimnagar District, in cancelling the SC caste certificate issued to the petitioner in 2004 and 2014, vide impugned proceeding No.C4/4180/2015, dated 05.08.2019 with a consequential prayer to declare the notification dated 05.08.2019, as being illegal, arbitrary and violative of Article 14, 16, 19 and 21 of the Constitution of India.

2. The case of the petitioner is that she is a child of inter-caste marriage, while the petitioner's mother belongs to SC community and father belongs to BC community. It is claimed that the parents of the petitioner are from Ramavaram Village, which is in the Khammam District (then) of Telangana State. On account of the Inter-caste marriage between the petitioner's mother and father, they were ex-communicated by the petitioner's father's parents and relatives as well as the entire community. As such, the parents of the petitioner stayed at Ramavaram where the maternal grandparents were residing. It is also claimed that the petitioner was born on 21.09.1986 and the petitioner's brother was born on 22.08.1988. The petitioner initially did her schooling at St.

Joseph's High School, Kothagudem at a distance of 3 kilometers from Ramavaram.

3. It is claimed that, as differences arose between the petitioner's mother and father, the petitioner's mother moved with the petitioner's maternal grandparents to Jammikunta in Karimnagar District in the year 1996 and along with her, the petitioner and her brother also moved to Jammikunta to stay with the maternal grandparents and all of them stayed at a house in Jammikunta bearing door No.4-4-43. It is based on their residence at Jammikunta, the 4th respondent-Tahsildar, Jammikunta Mandal issued community certificate in the year 2004 based on the entries in the school records and residency certificate issued by the Jammikunta Gram Panchayat, wherein it is certified that the petitioner belongs to SC mala community. It is further claimed that subsequent to the death of maternal grandparents of the petitioner in the year 2002 and 2006, there was reconciliation between the parents of the petitioner and thus, the mother of the petitioner has moved back to Ramavaram in Khammam District and started living together from 2006.

4. It is submitted on behalf of the petitioner that when the petitioner applied for an integrated caste certificate in order to apply for B.Ed. course in June, 2014 along with copy of caste certificate issued in the year 2004, the authorities called upon the petitioner to approach the jurisdictional officer of the

place of birth, since, as per the procedure, the caste certificate would be issued by such authorities. As petitioner had furnished the address of Jammikunta at the time of obtaining caste certificate in the year 2004, the petitioner furnished the old address. On the basis of the said application made by giving old certificate, a fresh certificate was issued on 10.07.2014 by the 4th respondent, certifying the petitioner to be belonging to SC Mala Community. Thus, the caste certificate issued in the year 2004 had assumed permanent status in law and cannot be cancelled.

5. It is claimed by the petitioner that she was selected on merit basis for being appointed as a Micro Biologist E-1 Grade with the 5th respondent-Singareni Collieries Ltd., pursuant to the notification No.2 of 2015 issued for employment. However, later one Y. Sujatha, who participated in the selection process, filed a complaint before the respondents alleging that the petitioner herein did not belong to SC community, but belongs to Padmashali Community under BC category, as the petitioner's father belongs to BC category and requested the authorities to cancel the community certificate of the petitioner.

6. It is claimed that based on such complaint, the 5th respondent kept the petitioner's appointment pending. Being aggrieved by the said action, the petitioner approached this Court by filing Writ Petition No.40568 of 2015 questioning the

enquiry on the ground of being discriminatory on the basis of gender and also contrary to G.O.Ms.No.371, dated 13.04.1976. The said writ petition was disposed of on 30.01.2018 directing the authorities to enquire into the validity of the claim of the petitioner for SC status in terms of G.O.Ms.No.371, dated 13.04.1976 and the guidelines issued by the Union of India, which provide for the procedure relating to determination of caste status of the children of inter-caste marriage by conducting enquiry with the parents and relatives of the candidate.

7. It is claimed that the 3rd respondent-District Level Scrutiny Committee, which is the competent authority to conduct enquiry by following the procedure prescribed, involving enquiry with the parents and relatives of the petitioner, has recommended for cancellation of the caste certificate issued to the petitioner without undertaking such exercise, whereupon the petitioner filed a Contempt Case No.2268 of 2018. It is submitted that pending such contempt case, the 3rd respondent herein was directed to conduct fresh enquiry.

8. It is seen that pursuant to the direction of this Court, the 3rd respondent-Committee issued notices to the petitioner and her family members for the purpose of enquiry. It is claimed that all the parties who were examined before the Committee stated that the petitioner and her brother were

brought up by the mother and maternal grandparents at Jammikunta in Karimnagar District. It is also stated that the Committee gave a finding that the claim of the petitioner belonging to SC community may be genuine, but as the petitioner furnished wrong/false address and wrong residential particulars, the Committee recommended for cancellation of the certificate of 2004 as well as 2014 issued to the petitioner as well as her brother.

9. The main challenge to the said finding recorded by the Committee is on the ground that the Committee relied on the statement of one M. Rambabu, resident of Jammikunta, who stated that neither the petitioner nor her parents resided at the address mentioned by them in Jammikunta. On the basis of the said statement, the Committee had arrived at a conclusion that the petitioner had made false declaration with regard to her address. It is claimed by the petitioner that the said finding recorded by the committee cannot be given credence, for the reason that the said M. Rambabu, who's statement is being relied upon to cancel the caste certificate of the petitioner, had purchased the house bearing No.4-4-43, Jammikunta in the year 2010 under a registered sale deed No.4012 of 2010, dated 18.08.2010 and thus he never had any occasion to know as to whether the petitioner and her mother and maternal grandparents resided at the said address during the period 1996 to 2006. It is also claimed by the petitioner that the fact of the maternal grandparents

moving to Jammikunta would be borne out from the voters list or census records of the Jammikunta of the relevant time, which are very much available with the respondent authorities. Further, the maternal grandfather of the petitioner died at Ankusapur Village, Jammikunta in the year 2006 as certified by the Gram Panchayat, would also go to show that the maternal grandparents had moved from Ramavaram of Khammm District to Jammiknta of Karimnagar District.

10. The petitioner thus, claims that the petitioner has been brought up among SC community family members, till the parents of the petitioner reconciled in the year 2006 and as such faced deprivations, humiliaties and discrimination. At this stage, it is pertinent to note that challenging the report of the Committee, whereby the authorities recorded a finding that though the petitioner is eligible to be considered as belonging to SC Mala Community, the caste certificates of 2004 and 2014 were to be cancelled on account of furnishing of false/wrong residential particulars, the petitioner filed Writ Petition No.5688 of 2019. The said writ petition was disposed of by this Court, vide order dated 20.03.2019 holding that since the 2nd respondent herein has not acted upon the recommendation of the 3rd respondent-Committee, the writ petition cannot be maintained on the enquiry report, by granting liberty to the petitioner to challenge the decision of

the 2nd respondent-District Collector, if any, taken in this regard.

11. It is the case of the petitioner that though the 2nd respondent issued a show cause notice to the petitioner in proceeding No.C4/4180/2015, dated 03.06.2019 to which the petitioner submitted her reply dated 11.06.2019, the 2nd respondent without taking into consideration the submissions of the petitioner, particularly, not to take into consideration the statement of one M. Rambabu, who claims to have purchased the house only in the year 2010, while the petitioner resided in the said house as a tenant during the period 1996 to 2006. As the said person could not be aware of the petitioner residing thereat, prior to the purchase of the property by him, the finding recorded by the 3rd respondent in its report, ought not have been taken note of, by the 2nd respondent without undertaking any further enquiry into the matter or to verify the correctness or otherwise of the said finding recorded by referring to the voters list or the census records of the Jammikunta. The 2nd respondent, on the other hand solely relying on the report of the 3rd respondent Committee, issued the impugned proceeding and concluded that the petitioner does not belong to Jammikunta Mandal and that the petitioner obtained caste certificate in the year 2004 in a fraudulent manner.

12. While assailing the impugned proceeding of the 2nd respondent, the learned counsel for the petitioner would submit that even as per the report submitted by the 3rd respondent-Committee, it is not denied by the authority that the petitioner was brought up in the SC community family and that the petitioner's claim that she belongs to SC community may be genuine. However, merely on the ground that the petitioner has furnished false address, the certificate cannot be cancelled. With regard to the claim of the petitioner furnishing wrong address for obtaining certificate in the year 2004, the learned counsel for the petitioner vehemently submits that the authorities without even verifying the record available with them to see whether the maternal grandparents of the petitioner and mother of the petitioner were residing at Jammikunta, at all or not by undertaking cross-verification with voters list or census records, have proceeded to rely on the statement of one M. Rambabu, who claims to be the owner of the house where the petitioner resided as a tenant during the period 1996 to 2006.

13. The learned counsel for the petitioner also submits that the petitioner could not have obtained a caste certificate in the year 2004 from Jammikunta by travelling all the way from Ramavaram in Khammam District, without there being any connection with the said place. The learned counsel also draws the attention of this Court to the fact that the maternal grandparents of the petitioner resided at Jammikunta by

undertaking labour works to eke out their livelihood after 1996 along with the mother of the petitioner who was doing tailoring work to meet the ends of life.

14. The learned counsel for the petitioner submits that the petitioner applied for integrated caste certificate in the year 2014, in order to secure admission into B.Ed., course, and the authorities having insisted to obtain the said integrated certificate from the place where the original caste certificate is issued, the petitioner once again approached the authorities in Jammikunta, Karimnagar District for issuance of such integrated certificate, since the original certificate of 2004 was obtained from the said District authorities and thus no fault can be found in approaching the said authorities in Karimnagar District, though the petitioner was residing in Khammam District subsequent to the year 2006. Thus, the learned counsel for the petitioner seeks for setting aside of the impugned proceeding of the 2nd respondent, whereby the said authority has cancelled the caste certificate issued to the petitioner. The learned counsel for the petitioner also submits that the entire proceeding of the authorities is vitiated for the reason that the petitioner had filed Contempt Case No.2268 of 2018 against the authorities arising out of the Writ Petition No.40568 of 2015 and for the said reason, the respondent authorities wanted to deny the claim of the petitioner.

15. Per contra, the learned Government Pleader for Social Welfare seeks to sustain the order passed by the 2nd respondent and submits that the petitioner was not able to establish that the petitioner or her mother has stayed with the maternal grandparents at the house bearing door No.4-4-43, Jammikunta, between 1996 to 2006 and that the petitioner was brought up as per the customs and practices prevailing in the community, thereby the petitioner being subjected to any deprivations and discrimination.

16. The learned Government Pleader by drawing the attention of this Court to the detailed counter affidavit filed along with the material papers would submit that the petitioner while giving explanation to the show cause notice issued by the 2nd respondent dated 03.06.2019, did not submit any evidence to establish that the petitioner, her mother, or her maternal grandparents resided at the address in Jammikunta on the basis of which the original caste certificate of 2004 was obtained. The learned Government Pleader submits that, on the contrary the household supply card which is issued for the period 1998 to 2003 by the Civil Supplies Department, clearly indicates that the petitioner, her mother, father along with brother, another elderly lady by name Narasamma had obtained household supply card in Khammam District, which falsifies the claim of the petitioner that they were residing at Jammikunta during the period 1996 to 2006.

17. The learned Government Pleader further submits that the study-cum-date of birth certificate dated 04.02.2002 issued by the school authorities, where the petitioner was studying 10th class, indicates that though the petitioner claims to be with her mother at Jammikunta in Karimnagar District, had her schooling at St. Joseph's High School, Rudrapuram in Khammam District. The learned Government Pleader submits that the petitioner completed her 10th class in the year 2002, thereafter she pursued intermediate education also at Khammam District which would go to show that the petitioner never resided at Jammikunta. He would also submit that no evidence has been brought on record by the petitioner on whom the burden lies to establish that either her mother or maternal grandparents resided at Jammikunta during the period 1996 to 2006 or that either the petitioner or her brother underwent any primary schooling while in the custody of her maternal grandparents at Jammikunta.

18. On the contrary, the schooling certificate clearly indicates that the petitioner pursued her initial schooling also at Rudrampur, which is the native place of petitioner's father and even the intermediate education having been pursued at Khammam at a distance of more than 250 kms from Jammikunta would clearly go to show that the petitioner had obtained the initial caste certificate in the year 2004 by falsifying the records.

19. The learned Government Pleader also submits that the claim of the petitioner that her maternal grandparents have moved to Jammikunta in the year 1996 and after the death of the maternal grandfather, the petitioner moved back to Khammam on account of reconciliation between the parents and the petitioner's mother and maternal grandparents were staying at the house during the period from 1996 to 2006 in a house at Jammikunta as mentioned, is also false for the reason that in the voters list of the year 1999 of Kamalapur Assembly Constituency, whereunder the area of Jammikunta falls, does not show the names of the maternal grandparents of the petitioner or that of her mother.

20. By drawing attention of this Court to the voters list which is enclosed as material papers to the counter affidavit, the learned Government Pleader submits that at the door number mentioned by the petitioner as the place they were residing at during the period 1996 to 2006, the voters list would indicate one Gulam Samdani and his children Nazir Ahmed, Khadir Ahmed names were shown there against, which would go to show that the claim of the petitioner that the authorities ought to have verified whether the maternal grandparents and the petitioner's mother were residing at Jammikunta, also cannot be accepted.

21. The learned Government Pleader also submits that the petitioner did not raise any objection to the report of the 3rd

respondent-Committee and on the other hand, she choose to file another writ petition, vide W.P.No.5688 of 2019 before this Court, which was closed by this Court observing that the 2nd respondent has not acted upon the said report of the Committee. The learned Government Pleader by placing reliance on the said report would submit that the parents of the petitioner as well as the relatives who were examined before the Committee, have all stated that on account of differences between the petitioner's father and mother, the mother of the petitioner went to Jammikunta along with her parents and the children leaved with the mother. The said relatives viz., V. Rajesham, Rayalingu, Lingala Luka, who were examined, also submitted that the mother of the petitioner got studied the children with the support of her family members and it is only after reconciliation in the year 2006 between the parents of the petitioner they are living together.

22. The learned Government Pleader by placing reliance on the said statements of the relatives, who have stated that the mother of the petitioner had left from Ramavaram along with the children and brought them up at her parents place by living at Jammikunta, the statement of the mother of the petitioner is to the contrary, wherein, she stated that she went to Jammikunta for livelihood along with her parents, leaving the children at Ramavaram with her relatives for study purpose and she attended tailoring work in

Jammikunta, clearly shows that the claim of the petitioner that she resided at Jammikunta during the period 1994 to 2006 is false and cannot be accepted. The learned Government Pleader also submits that as the petitioner never resided at Jammikunta, it is for the said reason no evidence has been placed on record, despite the matter being under consideration all through this period, though the burden is on the petitioner. The learned Government Pleader also submits that the authorities who conducted detailed enquiry into the matter have found that the petitioner obtained the original caste certificate by making a false declaration.

23. The learned Government Pleader would submit that the house in Jammikunta, whereat the petitioner claims to have resided belonged to one M. Pushapavathi during the period 1998-2007, who sold the same in the year 2007 to one Y. Venu, who in turn sold the same in the year 2009 to M. Rambabu, who stated that he does not know about the petitioner or her mother or the maternal grandparents of the petitioner as residing thereat. The learned Government Pleader also submits that the petitioner never stayed at the address given and obtained caste certificate in the year 2004 by making false representation, more particularly showing the place of birth at Jammikunta, Karimnagar district, while admittedly, the actual place of birth of the petitioner and her brother is at Ramavaram, Khammam district. The Learned Government Pleader would thus submit that the 2nd

respondent has power vested in him in terms of Section 5 of the A.P. (SC, ST and BCs) Regulation of Community Certificates Act, 1993 (for short 'the Act') to enquire into the correctness of such certificate either *suo moto* or on a written complaint by any person and inasmuch as a complaint has now been received, the claim of the petitioner that such certificate granted is a permanent one in terms of the Rule 16 framed under the Act cannot be accepted. Thus, the petitioner is not entitled to claim that the certificate issued in favour of the petitioner in the year 2004 is a permanent one and cannot be cancelled, is a self-serving statement.

24. The learned Government Pleader also submits that the impugned proceeding issued by the 2nd respondent is an appealable order and the petitioner instead of availing the remedy provided under the Act has approached this Court by filing the present writ petition without there being any justifiable cause.

25. In support of the above pleas, the learned Government Pleader would place reliance on the following judgments of the Hon'ble Apex Court and also this Court.

- i) **V.V. Giri v. D. Suri Dora**¹;
- ii) **M. Karunakar v. State of A.P.**²;
- iii) **T.V.S.S. Kumar v. Commissioner of Tribal Welfare**³;

¹ AIR 1959 SC 1318

² 2001 (1) ALT 688

³ 2006 (2) ALT 279

- iv) ***D. Rajamani Reddy v. Government of Andhra Pradesh***⁴;
- v) ***A. Nagamani v. Government of A.P.***⁵;
- vi) ***L. Sankar Rao Government of Andhra Pradesh***⁶;
- vii) ***Nimmaka Jayaraju v. Hon'ble Chief Minister of A.P., Govt. of Andhra Pradesh***⁷; and
- viii) ***G.N. Ashok v. Collector and District Magistrate, Anantapur***⁸.

26. The ratio in the above judgments relied on by the learned Government Pleader would go to show that the burden is on the applicant seeking for issuance of a community certificate, which also includes the proceedings before the authority empowered to cancel the certificate, having regard to the express language of Section 6 of the Act. Further, the judgments on which reliance is placed by the learned Government Pleader would also go to show that the claim of the petitioner that once caste certificate is granted, the same is permanent one, which is subject to Section 5 of the Act where the correctness of the said certificate can be looked into by *suo moto* or on a written complaint to the District Collector.

27. The learned Standing Counsel representing 5th respondent-Singareni Collieries Ltd., would submit that the Corporation notified the above vacancy, which is reserved for

⁴ 2007 (6) ALT 27

⁵ 2008 (3) ALT 795

⁶ 2017 (2) ALT 1

⁷ 2017 (5) ALD 446

⁸ 2019 (2) ALD 237

SCs and by virtue of the interim order of this Court, the 5th respondent is unable to fill the said vacancy and submitted that the interim order may be vacated so that the vacancy can be filled up.

28. Heard Sri Muralidhar Reddy Katram, learned counsel for the petitioner, Sri. Venkat Yadav, the learned Government Pleader for Social Welfare appearing for the respondents 1 to 4 and Sri J. Sreenivasa Rao, learned Standing Counsel for the 5th respondent-Singareni Collieries Limited.

29. As seen from the above, it is evident that the petitioner was born in Ramavaram Village of Khammam District in the year 1986 and her brother in the year 1988 and the petitioner's mother belonged to SC Mala community, while the petitioner's father belonged to BC Padmashali community. Though it is claimed that the maternal grandfather of the petitioner has moved to Jammikunta of Karimnagar District in the year 1996, as seen from the report, no material has been placed before the 3rd respondent-Committee to substantiate the said claim, except the petitioner stating that they stayed at the house in Jammikunta as a tenant. The petitioner also did not give the name of the owner of the house where they stayed as a tenant for being examined as a witness nor examined any of the relatives or other persons from the neighborhood despite the claim of residing thereat for nearly a decade, to corroborate the same. Though, the

petitioner claims that her mother and maternal grand parents to have resided at the house mentioned in Jammikunta, the voters list as placed before this Court on behalf of the respondents along with the counter does not show the names of the petitioner's maternal grandparents or that of the petitioner's mother. Thus, the claim of the petitioner, that authorities ought to have verified as to existence of the names of the petitioner's grandparents and mother from the voter's list of the constituency or census data is a self serving statement without any basis.

30. As per the Section 3 of the Act any person in order to obtain a certificate is required to make an application to the competent authority. However, a reading of the provision and the definitions as provided in the Act, the said provision does not indicate that such an application is required to be made only at the place of the birth of the person so applying. This would also be clear from the form that is required to be filed for obtaining such certificate which provides for mentioning of present address as well as the permanent address, which would go to show that the certificate can be furnished by the authority where the applicant is residing presently, though the petitioner may not be a permanent resident of that area.

31. Further, the scheme of the Act and Rules framed thereunder, in particular Rule-5 also contemplates that upon such application being made, the authority is required to

cause verification of the contents/information furnished or call upon the applicant to produce the evidence in support of their claim. Having regard to the scheme of the Act and Rules made thereunder, the claim of the respondent authority, that the petitioner ought to have obtained certificate from the place of birth itself would not hold much water and is liable to be rejected. However, as no material is placed before this Court to demonstrate, whether the petitioner while obtaining initial caste certificate in the year 2004 has made any disclosure regarding her place of birth and permanent address as at Ramavaram in Khammam District, this Court restrains itself from expressing any view as to the correctness or otherwise of the certificate obtained by the petitioner, except indicating that in the application made, if the petitioners place of birth is mentioned as at Jammikunta, the same is to be considered as a wrong statement, since the petitioner was born in the year 1986 at Ramavaram in Khammam district.

32. As it is for the respondent authorities, in whose custody the record would be available, to verify such record to examine the correctness or claim being made by the petitioner with regard to her place of birth and the place of present address and permanent residence by causing cross-verification from the concerned authorities. Insofar as the claim of the petitioner that the petitioner always lived with the mother during the period from 1996 to 2006, no evidence has

been let in before the 3rd respondent-Committee or even before the 2nd respondent in response to the notice issued, not only that of the petitioner or others of the area including that of the petitioner's brother who is younger by two years to the petitioner. Though, the relatives who stood in support of the petitioner's claim stated that the petitioner was brought up by her mother who moved to Jammikunta in Karimnagar District, the mother of the petitioner in her statement has stated that she moved to Jammikunta by leaving the custody of the children with her relatives in Ramavaram in Khammam District, which contradicts the statement of the petitioner and the relatives, that she lived during the period 1996 to 2006 at Jammikunta, whereat the petitioner was issued with a caste certificate in the year 2004. Though, it is claimed by the petitioner that there could not be any reason for the petitioner to have obtained certificate in the year 2004, which forms the basis for obtaining the integrated certificate in the year 2014, but for the petitioner's mother and maternal grandparents residing at Jammikunta in Karimnagar District, the said submission does not find acceptance by this court for the simple reason, the mother with whom the children would live normally, having categorically stated that the children were left at Ramavaram, Khammam district for study purposes and also having regard to the fact that primary, High School and Intermediate education of the petitioner having taken place in Khammam district.

33. It is also to be seen that though the petitioner along with her mother and maternal grandparents claimed to have shifted to Jammikunta, they have chosen not to examine any persons who could have vouched for their living at Jammikunta during the period of one decade. While it is being claimed that there is no reason for the petitioner to have travelled a distance of more than 250 kms to obtain a caste certificate, if the petitioner or her mother was not residing at the said place in Jammikunta of Karimnagar District, except for the fact that the petitioner had obtained the original Community, Nativity and Date of Birth Certificate in the year 2004 from Jammikunta. However, a cursory look at the copy of the certificate as placed on file of this court at page 58 of the material papers itself would show that the said certificate has been obtained by giving wrong particulars. This would be evident from column (3) of the certificate, where it is certified that the “place of birth” of the petitioner is “Jammikunta” village, Jammikunta Mandal, Karimnagar District of Andhra Pradesh, which as per the petitioner’s own statement, is incorrect, having born at Ramavaram in Khammam district in the year 1986 and moved to Jammikunta, Karimnagar District in the year 1996.

34. Though the authorities who are empowered to issue community certificates and competent to conduct enquiry, to determine the caste of the offspring, which is essentially a

question of fact to be decided on the basis of the facts adduced in each case and the certificate issued by the said authorities would be binding so long as it is not cancelled or is not referred for re-verification by any Scrutiny Committee constituted, the same would be valid and in force. The Hon'ble Supreme Court in ***Rameshbhai Dabhai Naika v. State of Gujarat and others***⁹, held that the determination of caste of a person born of an inter-caste marriage cannot be determined in complete disregard of the attending facts of the case.

35. Though, the 3rd respondent-Committee conducted detailed scrutiny and submitted its report to the 2nd respondent, who on the basis of the said report having issued a show cause notice, however did not consider the explanation offered by the petitioner on 11.06.2019 and merely proceeded to decide the issue under the impugned proceeding by placing reliance on the report of the 3rd respondent-Committee. The power conferred under Section 5 of the Act would make it clear that the said authority is required to form an opinion by himself with regard to the correctness of the certificate obtained and not to merely by putting a stamp to approval with regard to the finding recorded by the Committee. Such action being contemplated under Section 5 of the Act, the impugned proceedings

⁹ (2012) 3 SCC 400

wherein the 2nd respondent has stated “..... on perusing of the above mentioned records, enquiry reports and findings of the District Level Scrutiny Committee, it is clearly established that Kumari Kusuma Meghashalini, d/o. Mallesh, r/o. Kothagudem does not belong to Jammikunta Mandal and produced the false residential address and obtained caste certificate vide bearing No.C/2627/2004, dated 16.06.2004 and CGC021400452049, dated 10.07.2014 from the Tahsildar, Jammikunta, fraudulently.” would clearly go to show that the 2nd respondent has arrived at the above conclusion without the 2nd respondent himself having independently formed an opinion, and the said opinion is based on the report and findings as recorded by the 3rd respondent, which is contrary to the provisions of Section 5 of the Act.

36. Since, the 2nd respondent while passing the impugned order has merely relied on the findings of the 3rd respondent-Committee in cancelling the caste certificate issued to the petitioner, this Court is of the view that the said proceedings cannot be sustained and is liable to be interfered with.

37. Considering the fact that the proceeding relating to the determination of the caste of the petitioner is pending for more than three years, this Court is of the view that the 2nd

respondent authority can be directed to complete the exercise afresh as indicated above, within a time frame.

38. Accordingly, the impugned proceeding No.C4/4180/2015, dated 05.08.2019 and notification dated 05.08.2019 issued by the 2nd respondent is hereby set aside and the matter is remitted back to the 2nd respondent-District Collector, Karimnagar, to consider and pass orders afresh in the matter within a period of (3) three months from the date of receipt of a copy of this order.

39. It is needless to mention that the 2nd respondent authority while considering the matter, shall take into consideration the objections filed by the petitioner and also afford an opportunity of hearing to the petitioner whereat the petitioner shall be at liberty to file additional submissions if any and adduce evidence in support of his case.

40. As the matter having been remitted back to the 2nd respondent authority to complete the exercise of determination of caste of the petitioner within a time frame, the 5th respondent-Singareni Collieries Ltd., is directed not to undertake the filling up of said vacancy till such time the 2nd respondent authority passes orders thereon.

41. Subject to the above observations and directions, the writ petition is disposed of. However, there shall be no order as to costs.

42. As a sequel thereto, Miscellaneous Applications, if any, pending in this writ petition shall stand closed.

T. VINOD KUMAR, J

Date: 24.02.2020
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