HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY ,THE EIGHTEENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO: 47239 OF 2018

Between:

Mohd. Abdul Nazeemuddin, S/o M.A. Quddus, aged 24 years, Occ. Nil, R/o H.No. 2-105, Hunsa village, Bodhan Mandal, Nizamabad District Telangana State.

...PETITIONER

AND

1. State of Telangana, Rep. by its Principal Secretary, Backward Classes Welfare (OP) Department, Telangana Secretariat, Hyderabad.
2. The Chairman, District Level Scrutiny Committee, Warangal.
3. The District Collector, Warangal (Urban) District
4. The Tahsildar, Hanamkonda, Warangal (Urban) District.
5. Northern Power Distribution Company of Telangana Limited, Corporate office at 2-5-31/2, Vidyuth Bhavan, Naklalagutta, Hanamkonda, Warangal-506 001, Rep. by its Chairman and Managing Director.
6. Afrid Ali Khan, S/o Akram Ali Khan, aged about 22 years, R/o H.No. 5-2-180, Hanamkonda, Warangal (Urban) District.

...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 any appropriate Writ, Order or direction more in the nature of Writ of Mandamus directing the Respondents to take appropriate action as per Section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Rules, 1997 basing on the complaint dated 29-08-2018 filed by the petitioner before the Respondent No.3 on 06-09-2018 and conclude the same within 4 weeks from the date of receipt of the order by duly declaring the inaction on the part of the Respondent No.3 i.e. District Collector, Warangal (Urban) District in concluding the action as per Section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Rules, 1997 basing on the complaint filed dated 29-08-2018 filed by the petitioner before the Respondent No.3 i.e. District Collector, Warangal (Urban District) who is the competent authority to initiate action under the said Act and the Rules as illegal, arbitrary, unjustified, contrary to the provisions of per Section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes)

Regulation of Issue of Community Certificates Act, 1993 and the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Rules, 1997.

IA NO: 1 OF 2018

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 direct the Respondents to take appropriate action as per Section 5 of the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and the Telangana (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Rules, 1997 basing on the complaint dated 29-08-2018 filed by the petitioner before the Respondent No.3 on 06-09-2018 and conclude the same within 4 weeks from the date of receipt of the order.

Counsel for the Petitioner : SRI V. RAVI KIRAN RAO
Counsel for the Respondent Nos.1 to 4: GP FOR BACKWARD CLASSES WELFARE DEPARTMENT
Counsel for the Respondent No.5: SRI ZAKIR ALI DANISH, SC FOR TSNPDCL
Counsel for the Respondent No.6: SRI CH. RAVI KUMAR

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.47239 of 2018

ORDER:

Heard the learned counsel for the petitioner, and the learned Government Pleader for Backward Classes Welfare Department, learned Standing Counsel for respondent No.5, Sri Ch. Ravi Kumar, learned counsel for respondent No.6.

It is a case where the petitioner complains inaction on the part of the respondent authorities in conducting enquiry with respect to the allegations made by the petitioner concerning false Caste Certificate alleged to have been obtained by respondent No.6. It is the case of the petitioner that respondent No.6 by misrepresenting himself as belonging to BC – E community had obtained a Caste Certificate and based on the same he had been employed thereby depriving the petitioner, and others like the petitioner, the benefit of reservation provided for Backward Classes. The petitioner further submits that a complaint was made before the District Collector on 29.08.2018.

Learned Government Pleader submits that the complaint was in fact taken into consideration and enquiry also was commenced and the District Collector directed the Tahsildar-4th respondent to conduct preliminary enquiry and submit a report. As per the learned Government Pleader, the information by the District Collector from the 4th respondent and 5th respondent as on date has been received and the District Collector is in the process of constituting a District Level Committee.

Learned counsel for the 6th respondent while denying the allegations in the writ petition, submits that the 6th respondent has submitted all the necessary material to support his claim of BC-E caste, and that the 6th respondent is ready to cooperate with the enquiry.

Having regard to the facts on record, and considering the fact that the complaint came to be made as far back on 29.08.2018, and in these kind of matters, the District Collector is required to act expeditiously so as to ensure that the benefits of reservation go to deserving candidates, the writ petition is disposed of with a direction to the 3rd respondent-District Collector to complete the entire process of enquiry and pass orders thereon within a period of four months from the date of receipt of a copy of this order. It is needless to mention that in the process of conducting enquiry, the authorities entrusted with the power to conduct enquiry proceedings shall strictly follow and adhere to the principles of natural justice and shall not give any scope for complaint of violation of principles of natural justice or any other procedural irregularity. No costs. Miscellaneous Petitions, if any pending, shall stand closed.

SD/-I.NAGALAKSHMI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Backward Classes Welfare (OP) Department, State of Telangana, Telangana Secretariat, Hyderabad.
2. The Chairman, District Level Scrutiny Committee, Warangal.
3. The District Collector, Warangal (Urban) District
4. The Tahsildar, Hanamkonda, Warangal (Urban) District.
5. The Chairman and Managing Director Northern Power Distribution Company of Telangana Limited, Corporate office at 2-5-31/2, Vidyuth Bhavan, Naklalagutta, Hanamkonda, Warangal-506 001.
6. One CC to Sri V. Ravi Kiran Rao, Advocate [OPUC]
7. One CC to Sri Zakir Ali Danish, SC for TSNPDCL, Advocate [OPUC]
8. One CC to Sri Ch. Ravi Kumar, Advocate [OPUC]
9. Two CCs to GP for Social Welfare, High Court for the State of Telangana. at Hyderabad [OUT]
10. Two CCs to GP for Backward Classes Welfare Department, High Court for the State of Telangana. at Hyderabad [OUT]
11. Two CD Copies

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HIGH COURT

DATED:18/12/2020



ORDER

WP.No.47239 of 2018

DISPOSING OF THE WP

WITHOUT COSTS

DJ 31/12/2020