

HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.22571 of 2020

ORDER:

This writ petition is filed seeking writ of Mandamus declaring the action of respondent No.2 in initiating enquiry proceedings in Lr.No.C2/2889/2020 against the petitioner without there being any written complaint or suo motu and the consequential Notice No.C2/2889/2020, dated 07.09.2020 issued by respondent No.3 to the petitioner as arbitrary, illegal and contrary to Section 5 of the Telangana (scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of issue of Community Certificates Act, 1993, without jurisdiction besides being violative of the petitioners' rights guaranteed under Articles 14 & 21 of the Constitution of India.

2. Heard Sri Swaroop Oorilla, learned counsel for the petitioner, learned Assistant Government Pleader for Social Welfare appearing on behalf of

respondent Nos.1 to 4 and Sri. Alluri Raghu Rama Aureva, learned counsel appearing on behalf of respondent No.5. With the consent of learned counsel for the petitioner, learned Assistant Government Pleader for Social Welfare and learned counsel for the respondent No.5 this matter is disposed of.

3. Learned counsel for the petitioner contended that in the absence of respondent No.3 issued impugned notice vide Lr.No.C2/2889/2020, dated 13.02.2020 in the absence of any complaint or respondent No.3 initiated suo motu proceedings. He further contended that respondent No.5 submits as per the reference mentioned in the impugned notice, it shows that respondent No.5 lodged a complaint against the petitioner on 19.02.2020 even before receiving the complaint from respondent No.5, respondent No.3 issued impugned notice and the same is contrary to the provisions of Section 5 of the Act, 1993.

4. Learned Assistant Government Pleader for Social Welfare submits that respondent No.5 submitted a compliant on 19.02.2020 and the same was received by the Office of respondent No.2 on 24.02.2020 and the impugned notice was issued on 13.03.2020 but there is a typographical mistake in the impugned notice mentioned as 13.02.2020 instead of 13.03.2020.

5. When the matter is taken up for hearing, the learned counsel appearing on behalf of respondent No.5 submits that without going into the merits of the case, respondent No.5 has been permitted to submit a fresh representation within a period of two (02) weeks and basing on the same, the respondent authorities may be directed to take appropriate decision after giving notice to the petitioner and after following due procedure as contemplated under the provisions of Act 16 of 1993.

6. In view of the submissions made by

respective parties without going into the merits of the case, the impugned notice issued by respondent No.3 is set aside and liberty is granted to respondent No.5 to submit a fresh representation/complaint along with the documents to the respondent authorities within a period of two (02) weeks from the date of receipt of the copy of this Order. On such representation/complaint the respondents are directed to pass order after issuing notice to the petitioner and after following the due procedure as contemplated under the provisions of the Act 16 of 1993 and pass appropriate orders in accordance with law within a period of three (03) months thereafter.

7. Accordingly, the writ petition is disposed of. No costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE J. SREENIVAS RAO

9th February, 2023

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