

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF MARCH

TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 6158 OF 2025



Between:

M. Srinivasulu, S/o. M. Subbarayachari, Aged about 52 years, Occupation Deputy Executive Engineer, AP TRANSCO, Residing at Flat No.205, Plot No.191, Kamadenuvu Tower, Mothi Nagar, Hyderabad - 500 018

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Tribal Welfare Department, Velagapudi, Amaravati, Guntur District.
2. The Collector & District Magistrate, YSR Kadapa District, Kadapa.
3. The District Level Scrutiny Committee, Rep. by its Chairman / Joint Collector, YSR Kadapa District, Kadapa.
4. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.
5. The Tahsildar, Proddutur Mandal, YSR Kadapa District.
6. Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Rep. by its Chairman and Managing Director, Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh.

...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 a Writ of Mandamus declaring the action of 1 St Respondent in not numbering,

adjudicating, and disposing of the appeal filed by the Petitioner under section 7(2) of the Andhra Pradesh (Scheduled Castes, Schedule Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 before the 1st Respondent as highly illegal, arbitrary, and violative of Articles 14, 16, 19, 21 of the Constitution of India, and consequently direct Respondent No. 1 to number and decide the appeal expeditiously in a time bound manner.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to SUSPEND the operation of impugned order passed vide R.Dis.No.C5/331/M/2005 dated 25-10-2023 by the Collector & District Magistrate, YSR Kadapa District.

Counsel for the Petitioner: SRI DHEERA KANISHKA

Counsel for the Respondent No.1: GP FOR TRIBAL WELFARE

Counsel for the Respondents No.2 to 5: GP FOR REVENUE

Counsel for the Respondent No.6: SRI V V SATISH, (SC FOR APTRANSCO)

The Court made the following: ORDER



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3506]

**WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE CHALLA GUNARANJAN

WRIT PETITION NO: 6158/2025

Between:

M.Srinivasulu

...PETITIONER

AND

The State of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.DHEERA KANISHKA

Counsel for the Respondent(S):

1.GP FOR SERVICES II

The Court made the following:

ORDER:

The present writ petition is filed seeking the following relief:

“ to issue writ, order or direction, more particularly, a Writ of Mandamus declaring the action of 1st Respondent in not numbering, adjudicating and disposing of the appeal filed by the Petitioner under Section 72 of the Andhra Pradesh (Scheduled Castes Schedule Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 before the 1st Respondent, as highly illegal, arbitrary and violative of Articles 14, 16, 19 and 21 of the Constitution of India and consequently, direct Respondent No.1 to number and decide the appeal expeditiously in a time bound manner”

2. Petitioner was appointed under S.T. category in 6th respondent Corporation as Assistant Engineer on 18.08.2000. Petitioner was issued caste certificate recognizing him as "Kammara" community, which is notified Scheduled Tribe in terms of the Scheduled Castes and Scheduled Tribes List (Modification) Order, 1956. After serving for more than 24 years, based on a third-party complaint, enquiry was initiated with respect to genuineness of caste certificate produced by the petitioner. After conducting enquiry, the 2nd respondent, by proceedings, dated 25.10.2023, ordered for cancellation of caste certificate issued in favour of petitioner. Aggrieved by the same, petitioner preferred appeal before 1st respondent on 20.11.2023. Along with appeal, petitioner also filed interlocutory application seeking suspension of order, dated 25.10.2023, passed by the 2nd respondent. Though, Appeal and I.A. were filed way back in the month of November, 2023, so far, the same have not been taken on file and numbered, leave alone hearing of the appeal.

3. Heard Sri K.S. Murthy, learned senior counsel, assisted by Sri Dheera Kanishka, learned counsel for the petitioner, and learned Assistant Government Pleader for Services-II appearing for the respondents.

4. Sri K.S. Murthy, learned senior counsel, appearing on behalf of the petitioner, submits that petitioner was appointed as Assistant Engineer way back in the year 2000 based on the caste certificate, however, doubting the genuinity, on enquiry, it was recommended for cancellation vide order, dated 25.10.2023, issued by the 2nd respondent, in as much as petitioner has already put in considerable service, unless the order passed by the 2nd respondent is suspended pending Appeal, petitioner would be exposed to disciplinary action, including removal from service. Though Appeal along with I.A. were filed way back in the month of November, 2023, the same have not been entertained and considered by the 1st respondent so far.

5. Learned Assistant Government Pleader for Services-II appearing for the respondents sought time on 12.03.2025 to get instructions regarding pendency of appeal, however, today, once again he sought further time, as no instructions were furnished to him, at any rate, he submits that the appellate authority would consider the appeal and decide the matter on merits.

6. Since the appeal is preferred in the month of November, 2023 along with stay application, instead of appellate authority deciding stay application once again before concluding the hearing of appeal,

this Court feels appropriate to direct the appellate authority to decide the very Appeal itself within a period of 4 (four) months from the date of receipt of a copy of this Court, after hearing the petitioner. Until the Appeal is decided, the order impugned in the Appeal shall stand suspended.

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

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

Sd/- K.KASI RAO ACHARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Tribal Welfare Department, Velagapudi, Amaravati, Guntur District.
2. The Collector & District Magistrate, YSR Kadapa District, Kadapa.
3. The Chairman/Joint Collector, District Level Scrutiny Committee, YSR Kadapa District, Kadapa.
4. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.
5. The Tahsildar, Proddutur Mandal, YSR Kadapa District.
6. The Chairman and Managing Director, Transmission Corporation of Andhra Pradesh Limited (APTRANSCO), Vidyut Soudha, Gunadala, Vijayawada, Andhra Pradesh.

7. One CC to SRI. DHEERA KANISHKA. Advocate [OPUC]
8. Two CCs to GP FOR TRIBAL WELFARE, High Court of Andhra Pradesh.
[OUT]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.
[OUT]
10. One CC to SRI. V.V. SATISH. Advocate (SC FOR APTRANSCO)[OPUC]
11. Three C.D. Copies

nm

HIGH COURT

DATED:19/03/2025

ORDER

WP.No.6158 of 2025



DISPOSING OF THE WP WITHOUT COSTS