

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

FRIDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND
THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO**

WRIT PETITION Nos.29654 OF 2013 AND 41356 OF 2014

WRIT PETITION NO: 29654 OF 2013

Between:

P. Venkata Kumar, S/o. late P. Satyanarayana, Aged about 47 years, R/o. H. No. 12-11-1580, Boudhnagar, Warasiguda, Hyderabad - 500 061.

...PETITIONER

AND

1. The State of A.P. Rep. by its Principal Secretary, Backward Classes Welfare (C) Department, Secretariat, Hyderabad.
2. The Collector, Karimnagar District, Collectorate, Karimnagar, Karimnagar Dist.,
3. Mohd. Murtuja Ali Ahmed, S/o Mohd. Jameel Ahmed Occ working as AMVI R/o Kothapalli Village, Jammikunta Mandal, Karimnagar 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 a Writ, Order or Direction(s) more particularly, one in the nature of Writ of Mandamus and call for the records relating to and connected with GO Ms. No. 18 Backward Classes Welfare (C) Department, dated 04-09-2013 issued by the fa Respondent and set aside the same and consequently declare that the third Respondent is not a Doodikula caste candidate and further direct appropriate steps to be taken against the third Respondent and the officials who have furnished the illegal caste certificate to the third Respondent by holding the same as erroneous, bad, illegal, arbitrary, without application of mind, unfair, baseless and unconstitutional.

IA NO: 1 OF 2019

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 Expedite the hearing of W.P.No. 29654 of 2013 by fixing an early date.

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 Expedite the hearing of W.P.No.29654 of 2013 by fixing an early date.

**Counsel for the Petitioner: SRI M. SURENDER RAO, SENIOR COUNSEL
REPRESENTING SRI M. SRINIVASA RAO**

Counsel for the Respondents No.1 & 2: GP FOR SOCIAL WELFARE

**Counsel for the Respondent No.3: SRI G. VIDYA SAGAR, SENIOR COUNSEL
REPRESENTING SMT. K. UL AYA SRI**

WRIT PETITION NO: 41356 OF 2014

Between:

Mohd. Murtuja Ali Ahmed, s/o Mohd. Jameel Ahmed, Aged 38 years, Occ: Assistant Motor Vehicle Inspector, R/o Kothapalli village, Jamrnikunta Mandal, Karimnagar District.

...PETITIONER

AND

1. The State of Telangana, Transport, Roads and Buildings Department, Secretariat Buildings, Hyderabad, Rep. by its Principal Secretary.
2. The Transport Commissioner, State of Telangana, Khairabad, Hyderabad.
3. The Telangana State Public Service Commission, M.J. Road, Hyderabad, Rep. by its Secretary
4. The Collector, Karimnagar District, Karimnagar.
5. P.Venkata Kumar, s/o late P.Satyanarayana, Advocate, R/o H.No.12-11-1580, Boudhnagar, Warasiguda, Hyderabad-61
6. The Andhra Pradesh Administrative Tribunal, Purani Hazeli, Hyderabad, Rep. by its Registrar.

(Formal Party)

(Cause Title amended as per Court Order dated 31.12.2014.)

...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:

- i. to declare the order passed by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, dated 6.12.2014 in OA No.2147 of 2012 as illegal, arbitrary, unjust apart from violative of principles of natural justice and against the settled law and
- ii. to consequently set aside the same by directing the respondents 1 to 3 to continue the petitioner in service as Assistant Motor Vehicle Inspector in Zone-V pursuant to his selection as Assistant Motor Vehicle Inspector.

I.A. NO: 2 OF 2014(WPMP. NO: 51785 OF 2014)

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 suspend the order passed by the Hon'ble Andhra Pradesh Administrative Tribunal, Hyderabad, dated 6.12.2014 in OA No.2147 of 2012.

I.A. NO: 3 OF 2015(WPMP. NO: 25272 OF 2015)

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 extend the interim direction granted on 31.12.2014 and which has been extended from time to time, in the above writ petition.

IA NO: 1 OF 2022

Between:

1. The State of Telangana, Transport, Roads and Buildings Department, Secretariat Buildings, Hyderabad, Rep. by its Principal Secretary.
2. The Transport Commissioner, State of Telangana, Khairtabad, Hyderabad.

...PETITIONERS/RESPONDENTS

AND

1. Mohd. Murtuja Ali Ahmed, s/o Mohd. Jameel Ahmed, Aged 38 years, Occ: Assistant Motor Vehicle Inspector, R/o Kothapalli village, Jamnikunta Mandal, Karimnagar District.

...RESPONDENT/PETITIONER

2. The Telangana State Public Service Commission, M.C. Road, Hyderabad, Rep. by its Secretary
3. The Collector, Karimnagar District, Karimnagar
4. P.Venkata Kumar, s/o late P.Satyanarayana, Advocate, R/o H.No.12-11-1580, Boudhnagar, Warasiguda, Hyderabad-61
5. The Andhra Pradesh Administrative Tribunal, Purani Haveli, Hyderabad, Rep. by its Registrar. (Proposed Party)

(Cause Title amended as per Court Order dated 31.12.2014.)

(Respondents No.2 to 5 are not necessary parties to this petition)

...RESPONDENTS/RESPONDENTS

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 vacate the Interim Orders (Suspension) dated 31.12.2014 passed in WP.No.41356 of 2014.

**Counsel for the Petitioner: SRI G. VIDYA SAGAR, SENIOR COUNSEL
REPRESENTING SMT. K. UDAYA SRI**

Counsel for the Respondents No.1, 2 & 4: GP FOR SERVICES - III

**Counsel for the Respondent No.3: SRI GUTHA MALLIKARJUNA RAO,
STANDING COUNSEL**

**Counsel for the Respondent No.5: SRI M. SURENDER RAO, SENIOR COUNSEL
REPRESENTING SRI M. SRINIVASA RAO**

The Court made the following: COMMON ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA AT
HYDERABAD**

**THE HON'BLE SRI JUSTICE P.SAM KOSHY
AND**

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

WP.Nos.29654 of 2013 and 41356 of 2014

Dt. 06.02.2026

WP.No.29654 of 2013

Between:

P.Venkata Kumar

.... Petitioner

and

The State of AP (presently State of Telangana)
and two others.

...Respondents

WP.No.41356 of 2014

Between:

Mohd. Murtuja Ali Ahmed

.... Petitioner

and

The State of Telangana and five others.

...Respondents

COMMON ORDER: *(Per the Hon'ble Sri Justice Suddala Chalapathi Rao)*

Since both the writ petitions arise out of the same cause of action between the same parties, and as the issues involved in both the writ petitions are interconnected and related to each other, both the matters are taken up together and are

being disposed of by this common order. For the sake of convenience and to avoid repetition, the parties are referred to as arrayed in W.P. No.29654 of 2012, which is treated as the lead writ petition.

WP.No.29654 of 2013

2. This Writ Petition is filed to issue a writ or order or direction more particularly one in the nature of writ of mandamus by calling for records relating to and connected with G.O.Ms.No.18, Backward Classes Welfare (C) Department, dt.04.09.2013 issued by the 1st respondent and set aside the same and consequently to declare that the 3rd respondent does not belong to Dudekula community and also with a further direction to the respondents to take appropriate steps against the 3rd respondent and the officials, who have issued the caste certificate to the 3rd respondent.

WP.No.41356 of 2014

3. This Writ Petition is filed by the 3rd respondent in WP.No.29654 of 2013 challenging the order passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the APAT') in OA.No.2147 of 2012 dt.06.12.2014 as illegal,

arbitrary, unjust and violative of principles of natural justice and consequently set aside the same by directing respondents No.1 and 2 to continue the petitioner in service as Assistant Motor Vehicle Inspector (AMVI) in Zone-V pursuant to his selection as such.

The brief facts of the case :

4. The Andhra Pradesh Public Service Commission (APPSC) by Notification No.45/2008, dt.30.12.2008 invited applications for appointment to the post of Assistant Motor Vehicle Inspector. Both the petitioner and the 3rd respondent, belonging to Zone-V, both competed for selection under the BC-B (Dudekula) category. The 3rd respondent was selected and appointed to the said post of AMVI under the category of BC-B (Dudekula) community certificate and has been discharging his duties as such.

5. The petitioner thereafter submitted a complaint to the District Collector-2nd respondent alleging that the 3rd respondent did not belong to Dudekula Community and had obtained the BC-B certificate by suppressing material facts

and on false declarations before the Tahsildar, Jammikunta. It was alleged that the 3rd respondent actually belonged to Muslim community, which falls under the Open Category (OC), and that by misrepresentation, he secured BC-B Certificate and was appointed under BC-B quota, thereby depriving the petitioner, who was next in merit, of selection belonging to the very same community BC-B.

6. The District Collector, basing on the complaint, referred the matter to the District Level Scrutiny Committee headed by the Joint Collector, Karimnagar, and during the enquiry, the Tahsildar, Jammikunta, was directed to verify the claim and submit a report, and also the reports were also called from the Revenue Divisional Officer and thereby appropriate notices were issued to the 3rd respondent, affording him an opportunity to produce documentary evidence in support of his claim to prove that he belongs to Dudekula community. Further, as the 3rd respondent failed to appear and did not produce any documents to the satisfaction of the authorities and solely basing on the material collected during the enquiry forwarded the report to the District Collector, Karimnagar,

stating that the claim of the 3rd respondent was not substantiated by any evidence. Further, the District Collector, relying upon the reports of the DLSC and other material on record, cancelled the BC-B community certificate issued to the 3rd respondent *vide* Notification in R.DisNo.C4/1222/2012, dt.15.09.2012.

7. Assailing the said cancellation, the 3rd respondent preferred an appeal before the 1st respondent-Government contending that the prescribed procedure had not been followed by the 2nd and 3rd respondents and that he had not been afforded adequate opportunity. It was further urged that no proper enquiry was conducted by the authorities and that the cancellation was based mainly on the caste status of his maternal uncle and certain school records, and contended that the said enquiry has not conclusively established that the 3rd respondent belonged to the Muslim community and not BC-B Category. It was also asserted that the District Collector had cancelled the certificate without undertaking a comprehensive enquiry in the native village, from which the 3rd respondent hails from.

8. The petitioner, who was arrayed as a party respondent in the said appeal, has vehemently opposed the said contentions by asserting that the procedure prescribed under G.O.Ms.No.18, dt.04.09.2013 and the applicable rules as on the said date have been strictly followed and further contended that the reports of the Mandal Revenue Officer and the Revenue Divisional Officer, clearly established that the 3rd respondent did not belong to the Dudekula Community and belonged to Muslim Community. It was also contended that the father of the 3rd respondent, who was also contended to be working as Pump Mechanic in the office of the EE, RWS, Karimnagar, at the relevant point, his service records established that he was Muslim by religion and was appointed in the Open Category and that the maternal uncle of the 3rd respondent was also appointed as AMVI under the BC-E (Muslim) category under the creamy layer, thereby the petitioner contended that the action taken by the District Collector in cancelling the certificate issued to the 3rd respondent, was valid.

9. The 1st respondent-Government, after affording opportunity to both parties and upon consideration of the material available on record, has passed the impugned orders holding out that the 2nd respondent-District Collector had erred in cancelling the community certificate of the 3rd respondent without following the due procedure contemplated under law and accordingly set aside the cancellation order by issuing G.O.Ms.No.18, Backward Classes Welfare (C) Department, dt.04.09.2013. The said Government Order is challenged by the petitioner in the instant writ petition.

10. Further, during the pendency of the above writ petition, the petitioner approached the APAT by filing O.A. No.2147 of 2012 seeking a direction to the respondents-authorities to conduct an enquiry into the social status of the 3rd respondent and to cancel his appointment, and to appoint the petitioner as AMVI in Zone-V with all consequential benefits alleging that the failure of the authorities to verify the social status of the 3rd respondent prior to appointment was illegal, arbitrary, and unconstitutional and deprived the petitioner/applicant of his legitimate right to be appointed under the post of AMVI.

11. The learned APAT, after hearing both the parties, allowed the said Original Application and directed the respondents to cancel the appointment of the 3rd respondent and appoint the petitioner as AMVI in Zone-V under the local category, subject to the outcome of W.P. No.29654 of 2012. The said order of the Tribunal is under challenge in W.P. No.41355 of 2014 filed by the 3rd respondent and this Court initially suspended the proceedings and is pending adjudication before this Court.

12. Heard Sri M. Surender Rao, learned Senior Counsel representing Sri M.Srinivas Rao, counsel for petitioner in WP.No.29654 of 2013 and 5th respondent in W.P.No.41356 of 2014, and Sri G. Vidya Sagar, learned Senior Counsel representing Smt K.Udaya Sri, learned counsel for 3rd respondent in WP.No.29654 of 2013 and petitioner in WP.No.41356 of 2014.

CONTENTIONS :

13. The learned Senior Counsel appearing for the petitioner in the lead writ petition mainly contended that the 3rd respondent, who admittedly belonged to the Muslim community and not belonged to the Dudekula community, had

deliberately suppressed this material fact and furnished false information before the Tahsildar, Jammikunta, thereby fraudulently secured a BC-B community certificate and obtained appointment under BC-B category. In support of this contention, the learned Senior Counsel places reliance on the service record of the father of the 3rd respondent, who was employed in the Irrigation Department and that his service records unequivocally reflected his community status as Muslim. It was further urged that the maternal uncle of the 3rd respondent, who also belonged to the same Muslim Community, was appointed as Assistant Motor Vehicle Inspector under the very same notification, but under the BC-E (Muslim) category. Placing reliance on these facts, it was asserted that the 3rd respondent belongs to Muslim Community and did not belong to the Dudekula community and had obtained the BC-B certificate by misrepresentation and false declarations.

14. It was further contended by the learned Senior Counsel that the 2nd respondent, after conducting a proper enquiry and affording sufficient opportunity to the 3rd respondent, had

rightly cancelled the BC-B community certificate issued to him by following the procedure under the relevant rules, and despite being granted adequate opportunity, the 3rd respondent failed to appear either before the 2nd respondent or the District Level Scrutiny Committee and failed to produce any reliable material to substantiate his claim to show that he belongs to Dudekula Community. It was further contended that the 1st respondent, without due appreciation of the factual matrix, in the absence of any sustainable grounds, had erroneously interfered with the well-reasoned order passed by the 2nd respondent and the same is contrary to law and procedure and suffers from serious legal infirmities, and thus liable to be set aside.

15. *Per contra*, the learned Senior Counsel appearing for the 3rd respondent contended that the 2nd respondent has not followed the procedure mandated under law *vide* G.O.Ms.No.18, Backward Classes Welfare (C) Department, dt.04.09.2013. It was submitted that the Tahsildar, Jammikunta, submitted a report dt.12.03.2012, by calling for the school records of the 3rd respondent, and issued a notice,

dt.30.04.2012 which was served on the mother of the 3rd respondent sought time as the 3rd respondent was not available and though the time was extended, as the 3rd respondent was not informed by his mother, as such he could not appear on the date of enquiry, and thus, it is contended that the enquiry was concluded and a fair opportunity was given and in a case of this nature, the 2nd respondent ought to have seen that the notices are served upon the proper person.

16. It was further submitted that the Revenue Divisional Officer, Karimnagar, merely stated that the father of the 3rd respondent was employed in the Irrigation Department and that his service records reflected his caste as "Fakheer Muslim". On sole basis of this information, the District Level Committee recommended for cancellation of the certificate and the District Collector proceeded to issue the order dt.15.09.2012, without proper appreciation of the facts and reports, and grossly erred in holding that the 3rd respondent had fraudulently obtained a BC-B community certificate and thereby secured selection to the post of AMVI, without

undertaking an independent and comprehensive assessment of the factual matrix of the case.

17. The learned Senior Counsel also contended that the community certificate of the 3rd respondent had been issued prior to the enforcement of the A.P. (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and the Rules of 1997, and therefore, by virtue of Section 21 of the said Act, the certificate ought to have been treated as valid. The learned Senior Counsel placed reliance on the reports of the Tahsildar and the Revenue Divisional Authority, which indicated that the surname of the 3rd respondent corresponded with that commonly associated with the Dudekula community, namely "Mohammad". It was also submitted that the father of the 3rd respondent had entered government service prior to the inclusion of the Dudekula community in the list of Backward Classes and that, at the relevant point of time, there was no mandatory requirement to disclose caste particulars in service records, but however, the 2nd respondent solely got carried away by the same and without proper verification has passed the orders by cancelling the certificate.

18. It was further contended that the caste of the maternal uncle could not be determinative of the social status of the 3rd respondent and more particularly, Dedekula Caste people believe and practice Islam for many reasons. It was asserted that while the mother of the 3rd respondent belonged to the Fakheer Muslim community, the father belonged to the Dudekula community, and this crucial distinction was neither properly examined by the 2nd respondent nor by the District Level Scrutiny Committee. It was also contended that prior to the father of the 3rd respondent entering government service, there was no statutory obligation to produce caste certificate in the service registers for recording the same and further it was contended that no proper field-level or village-level enquiry was conducted to verify the social status of the 3rd respondent, for reaching proper conclusion.

19. It was also contended that the State Government had amended the relevant provisions by including a BC-E category for persons professing Islam who are able to establish that they belong to the Dudekula community, and thus, this aspect

would clinchingly prove that the 3rd respondent and his father belong to Dudekula Community

20. On all these grounds, it was submitted by the learned Senior Counsel that the 1st respondent had rightly exercised its appellate jurisdiction in setting aside the order of the 2nd respondent and that the petitioner failed to establish any grounds warranting interference by this Court with the well considered order passed by the 1st respondent. Thus, prayed to dismiss W.P. No.29654 of 2012 and to allow W.P. No.41356 of 2014.

21. We have given earnest consideration to the submissions made by the learned Senior Counsel as well as the learned Government Pleaders appearing for the respective parties and perused the entire material on record.

22. Although both writ petitions were heard together, since, the *lis* in the subsequent writ petition is wholly dependent upon the outcome of the lead writ petition as the order impugned therein is merely a consequential order arising out of the proceedings in the lead writ petition, the sum and substance of the contentions raised in the lead writ petition

would adequately cover and sub-serve the issues involved in the subsequent writ petition as well as both pertain to the appointment of the 3rd respondent under BC-B quota.

23. From the factual matrix of the case and the rival submissions advanced, the following aspects emerge for consideration:

- (i) Whether the enquiry conducted by the 2nd respondent leading to cancellation of the BC-B community certificate of the 3rd respondent was in accordance with the procedure prescribed under Act 16 of 1993 and the Rules framed thereunder;
- (ii) Whether the 1st respondent was justified in setting aside the cancellation order without directing a fresh enquiry; and
- (iii) Whether the order passed by the A.P. Administrative Tribunal could be sustained when the very foundation is under challenge in the lead writ petition.

24. Before delving into the matter, it is necessary to briefly refer to the provisions under the Act and Rules of Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 (Act 16/1993).

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25. Section 3 of the Act 16/1993 envisages that any person may apply for a Community Certificate, which shall be issued by the competent authority after being satisfied with the genuineness of claim. The provisions specifically envisage that a prescribed procedure must be followed before issuing such a certificate, and the said provision is reproduced for reference as under:

"3. Application of a community certificate

(1) Any person belonging to any of the Scheduled Castes, Scheduled Tribes or Backward Classes may in order to claim the benefit of any reservation provided to such Castes, Tribes or Classes either for any public appointment or for admission into any educational institution in the State or outside the State for the students of the State or any other benefit under any special provisions made under Clause (4) of Article 15 of the Constitution of India or for the purpose of contesting for elective post in any local authority or for elective posts in the Co-operative Institutions, make an application in such form and in such manner as may be prescribed to the competent authority for the issue of a community certificate. (2) Any person belonging to a Scheduled Tribe may, for the purpose of claiming any benefit or protection meant for Scheduled Tribes under any notification, direction or regulation made under the Fifth Schedule to the Constitution of India or under any Act, Rule, Regulation or Order for the time being in force in the Scheduled Areas, make an application in such form and in such manner as may be prescribed to the competent authority for the issue of community certificate.

Explanation:- For the purposes of this section and section 13, Scheduled Areas' means the areas as defined in paragraph 6 to the Schedule to the Constitution.

26. Under *Section 5*, the District Collector may either on *suo motu* or on a written complaint, cancel the Caste Certificate after calling for the records and enquiring into its correctness. Under *Section 6*, the candidate may apply for a fresh community certificate and that the burden of proving belonging to a particular caste or tribe rests upon the claimant. It is thus for the individual claiming a particular caste to establish the same, and not for the complainant or enquiry officer to prove otherwise. Under *Section 7(2)* an appeal to the Government against the order of the District Collector passed under *Section 5*, empowering the Government to confirm or set aside such orders. Sections 10, 13, and 20 deal with penalties and confer powers on the Government to make rules, which were framed under G.O.Ms.No.58, dated 12.05.1997. Even Rule 6, similarly reinforces that the burden of proof rests on the claimant.

27. Now coming to the facts of the case, the petitioner filed a complaint alleging that the 3rd respondent had obtained a BC-B community certificate from the MRO, Jammikunta, by misrepresentation, claiming to belong to the Dudekula

community, though he actually belonged to the Muslim community falling under the Open Category. The District Collector entertained the complaint and referred the matter to the District Level Scrutiny Committee (DLSC) for enquiry into the validity of the caste certificate.

28. Pursuant thereto, the MRO, Jammikunta, by letter, dt.02.03.2012, requested the concerned authority to furnish details. Notices were issued to the 3rd respondent calling upon him to produce relevant documents. The notice was served on the mother of the 3rd respondent, as he was not available. On 05.03.2012, the mother of the 3rd respondent appeared before the MRO and sought time to produce documents, which was granted till 08.03.2012. However, on the said date, neither the 3rd respondent nor his mother produced any documents, and the MRO basing on the above facts and circumstances, submitted a report drawing an adverse inference that the 3rd respondent had failed to produce any proof/documents to establish that he belonged to BC-B Dudekula community.

29. The DLSC, under the Chairmanship of the Joint Collector, addressed a letter to the Headmaster, ZPHS Boys

School, Jammikunta to send the school records and the said records indicated that the religion of the 3rd respondent was Muslim and that he belonged to a Forward Category(FC), and his father's name was shown as Jameel Ahmed. On the basis of the said records, the MRO concluded that the 3rd respondent did not belong to BC-B Dudekula community and communicated the same to the District Collector *vide* letter dated 12.03.2012.

30. Thereafter, the 2nd respondent referred the matter to the DLSC in April, 2012, which in turn was referred it to the Revenue Divisional Officer(RDO), Karimnagar. The RDO conducted an enquiry and obtained details from the Irrigation Department as the father of the 3rd respondent was employed in Irrigation Department. Further, the service records revealed that the father of the 3rd respondent belonged to Muslim community, which is under OC category. It was also noted that the surname of the 3rd respondent i.e., Mohammad also tallied with the Dudekula community, but however, the school records of the 3rd respondent and along with service records of the father did not reflect BC-B status. It was further noticed

that the maternal uncle of the 3rd respondent was also appointed as AMVI under BC-E (Muslim, creamy layer category under the very same notification. On these grounds, the District Level Service Committee recommended for cancellation and the 2nd respondent cancelled the community certificate issued to the 3rd respondent, *vide* Notification in R.DisNo.C4/1222/2012, dt.15.09.2012, which was assailed before the 1st respondent.

31. The 1st respondent, after considering the contentions of both sides, observed that none of the authorities had conducted a detailed enquiry in the native village of the 3rd respondent, as required under Section 14 of the relevant Rules. It was further observed that the family tree was examined only up to the paternal grandfather and without properly appreciating the scope of pedigree enquiry, the 2nd respondent passed orders. The 1st respondent held that caste determination cannot be made solely on the basis of service records of the father or the caste of the maternal uncle and further, the service book of the father did not disclose his social status and that mere entry of mother tongue as "Urdu"

cannot be treated as an indication of forward caste status. In the absence of a proper village-level enquiry, the 1st respondent concluded that the cardinal principles of fair enquiry as envisaged under the Andhra Pradesh (SC, ST and BC) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997 were not followed by the 2nd respondent.

32. Further, the 1st respondent observed that there was no conclusive material to establish that the 3rd respondent belonged to Muslim community alone and noted that Dudekula community, though classified under BC-B, follows Muslim religious practices. On these grounds, the 1st respondent set aside the orders passed by the 2nd respondent.

33. The main ground on which the proceedings of the 2nd respondent is assailed is that the 3rd respondent has not produced proper material to prove that he belonged to BC-B Category despite being afforded opportunity and also failed to produce satisfactory material to conclusively establish that he belonged to the BC-B Dudekula community.

34. Evidently, the notice was served on the mother of the 3rd respondent though she requested time, in a matter of this nature, the 2nd respondent ought to have taken all steps for service of notice on the 3rd respondent by all means and the service affected is not proper. However, mere non-production of documents cannot, by itself, justify cancellation of a community certificate without conducting a comprehensive enquiry, particularly one involving village-level verification as mandated by law. When a community certificate is cancelled, the same must be supported by cogent evidence; equally, the basis on which the certificate was initially issued by the competent authority must also be examined *vis-à-vis* service of proper notice on the affected party.

35. In the present case, the cancellation was based mainly on inferences drawn from the service records of the father of the 3rd respondent and the social status of the maternal uncle of the 3rd respondent. Mere inferences, without proper village-level enquiry and without examining the overall social status of the family, cannot form the basis for cancellation of a community certificate, especially when such cancellation is

sought at the instance of a rival claimant that too, when no proper service is affected on the 3rd respondent. At the same time, the 1st respondent, having found that the enquiry conducted was defective ought to have remanded the matter for fresh enquiry by giving proper opportunity to the affected party and also the writ petitioner and taking into account all the material placed on either side instead of conclusively deciding the issue, by setting aside the orders of the 2nd respondent as being vitiated by procedure and law.

36. In these circumstances, in our considered view, it is a fit case to set aside the orders passed by the 1st and 2nd respondents and remand the matter for fresh and proper enquiry by the 2nd respondent by following due process of law.

37. In view of the above findings, the orders passed by the 1st respondent and the 2nd respondent are both set aside, and the matter is remanded to the 2nd respondent to conduct a detailed enquiry into the complaint of the petitioner for cancellation of the caste/community certificate issued to the 3rd respondent under BC-B Category, in accordance with law, after giving due opportunity to the petitioner as well as the 3rd

respondent, and to pass appropriate orders based on the material placed on record.

38. Consequently, in view of the remand of the issue relating to the caste certificate of the 3rd respondent to the 2nd respondent for fresh consideration, the order passed in O.A.No.2147 of 2012 dated 06.07.2014 on the file of the A.P. Administrative Tribunal shall stand set aside.

39. Accordingly, the writ petition WP.No.29654 of 2013 is partly allowed and the writ petition 41356 of 2014 is allowed.

No order as to costs.

As a sequel thereto, miscellaneous petitions pending if any, shall stand closed.

SD/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

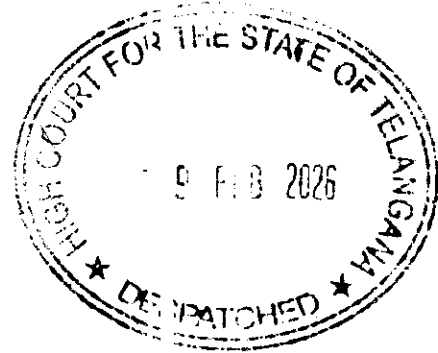
To

1. The Principal Secretary, Backward Classes Welfare (C) Department, State of Telangana, Secretariat, Hyderabad.
2. The Principal Secretary, State of Telangana, Transport, Roads and Buildings Department, Secretariat Buildings, Hyderabad.
3. The Transport Commissioner, State of Telangana, Khairabad, Hyderabad.
4. The Secretary, Telangana State Public Service Commission, M.J. Road, Hyderabad.
5. The Collector, Karimnagar District, Karimnagar.
6. One CC to SRI M. SRINIVASA RAO, Advocate [OPUC]
7. One CC to SMT. K. UDAYA SRI, Advocate [OPUC]
8. Two CCs to GP for Social Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CCs to GP for Services-III, High Court for the State of Telangana at Hyderabad. [OUT]
10. One CC to SRI GUTHA MALLIKARJUNA RAO, Standing Counsel [OPUC]
11. One CC to SRI P.S. RAJASEKHAR, S.C. for TSPSC [OPUC]
12. Two CD Copies

MP

HIGH COURT

DATED:06/02/2026



COMMON ORDER

W.P. Nos.29654 OF 2013 AND 41356 OF 2014

**PARTLY ALLOWING THE W.P.No.29654 OF 2013 &
ALLOWING THE W.P.No.41356 OF 2014**

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