
(2013) 02 AP CK 0038
In the Andhra Pradesh High Court
Case No : Writ Petition No. 3727 of 2013

Beeram Sudhakar

APPELLANT

Vs

Govt. of A.P.

RESPONDENT

Date of Decision : 07-02-2013

Acts Referred:

Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes)
Regulation of Issue of Community Certificates Act, 1993 — Section 17

Citation : (2013) 4 ALD 314 : (2013) 3 ALT 612

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : K. Ram Reddy, for the Appellant; K. Srinivasa Rao, SC for APSRTC,
for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The petitioner was appointed as a Conductor in the APSRTC against a vacancy reserved in favour of Schedule Tribes. When he was working in the Manuguru Depot of APSRTC, 4th respondent herein, a complaint was received to the effect that the caste certificate obtained by the petitioner is not genuine. Since the caste certificate was obtained from the Tahsildar, Manuguru, 3rd respondent herein, proceedings were initiated under Andhra Pradesh (SC, ST & BC) Regulation of Issue of Community Certificates Act, 1993 (for short "the Act") by the District Collector, Khammam, 2nd respondent herein. The matter was entrusted to the District Level Committee (for short "the Committee"), headed by the Joint Collector. The Committee issued a notice to the petitioner and a detailed enquiry was conducted. A report was submitted to the effect that the caste certificate obtained by the petitioner is not a genuine one and that the petitioner does not belong to Koya community. It was also mentioned that petitioner belongs to Kapu community. Taking the same into account, the 2nd respondent passed an order dated 16.01.2011 directing cancellation of the caste certificate, dated 06.07.1987 and 04.05.2007. Feeling aggrieved by that order, the petitioner filed an appeal before the 1st respondent

herein. The appeal was rejected through orders in G.O.Ms. No. 4, Social Welfare Department, dated 24-01-2013. Hence, this writ petition. Learned counsel for the petitioner submits that the petitioner was prosecuted on the very allegation and the Court of Judicial Magistrate of First Class, Manuguru acquitted him through judgment, dated 08.04.2010 in C.C. No. 226 of 2007. He contends that though the judgment was cited before respondents 1 and 2, the same was not taken into account. Learned counsel further submits that a small discrepancy as to the surname and the blanks that existed against the column pertaining to "caste" in the records of educational institutions, where petitioner studied, are being projected as the basis for cancellation of the caste certificate.

2. Learned Government Pleader for Social Welfare, on the other hand, submits that the petitioner fabricated several records, in his effort to secure employment against a vacancy reserved in favour of Scheduled Tribes. He contends that for the first time, the petitioner claimed the status of Schedule Tribe by filling the blank in the Transfer Certificate issued by the Junior College and the enquiry conducted by the District Level Committee demonstrated that the father of petitioner was not at all from Manuguru area, much less he was a Scheduled Tribe. He refers to the evidence recorded from the brother and sister of the petitioner.

3. The moral and ethical values in the society have drifted to such unfortunate and drastic levels that even the benefit, which is meant for a grossly neglected section of the society, is knocked away by the so-called cultured and advanced section of the society. The Constitution of India made special provisions for Scheduled Tribes with the dual objective of protecting their culture and identity on the one hand and economic and social development on the other hand. However, taking advantage of the weaknesses in the administration and lack of proper probity, greedy and selfish individuals hailing from otherwise advanced sections are successful in many cases in obtaining false and fake certificates and thereby knocking away the employment and educational opportunities to the Scheduled Tribes.

4. The petitioner studied in Thorur and other places in Warangal District. At no point of time, either his parents or other family members claimed the status of Scheduled Tribe. In the forms and certificates referable to the petitioner, in the educational institutions, the caste particulars were left blank. Obviously because of that, in the Transfer Certificate issued to him by the Junior College, the space against the column pertaining to "caste" was left blank. Taking advantage of that, the petitioner filled the same as though he belongs to Scheduled Tribe. He produced that Transfer Certificate before the 3rd respondent and managed to obtain the caste certificate.

5. The version pleaded by the petitioner is that his father was a Scheduled Tribe from Manuguru area and he migrated to Warangal District for livelihood and there he married a woman belonging to Kapu community. Except his wonderful and well-woven story, not a single person was examined to substantiate this. The

fraudulent conduct on the part of the petitioner is evident from the fact that even when he had admitted his son in a private school at Manuguru, he has shown the caste as O.C. The brother and sister of the petitioner, who were examined in the enquiry by the Committee, stated unequivocally that they belong to Kapu community and not Koya community. The District Collector as well as the appellate authority have taken correct view of the matter.

6. It may be true that the petitioner was acquitted in a criminal case filed against him with allegations of fraud and fabrication. It is well settled that the parameters for adjudication of criminal cases are totally different from those in the departmental and other proceedings. Further the Criminal Court does not have a jurisdiction to decide upon the genuinity or otherwise of the caste certificate. It has to just deal with the charges framed against the petitioner. The judgment in the criminal case cannot be treated as the basis to interfere with the orders passed under a specific enactment. The fact that Section 17 of the Act has taken away the jurisdiction of the Civil Court in the matters of this nature would be another indication.

7. Hence, the writ petition is dismissed. There shall be no order as to costs. The miscellaneous petition filed in this writ petition shall also stand disposed of.