

(2000) 12 AP CK 0030

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 2259 of 1993 and 4507 of 1996

G. Sunil Kumar

APPELLANT

Vs

Regional Joint Director of Technical Education, S.V.
Government Polytechnic Campus, Tirupathi and another

RESPONDENT

Date of Decision : 19-12-2000

Acts Referred:

Constitution of India, 1950 — Article 14, 21, 39, 41

Citation : (2001) 1 ALD 385 : (2001) 1 ALT 567

Hon'ble Judges : E. Dharma Rao, J

Bench : Single Bench

Advocate : Mr. G. Vedantha Rao, for Mr. V. Nagarjunababu, for the Appellant;

Judgement

1. Mr. G. Sunil Kumar son of Chandramouli, who was minor, represented by his natural guardian - father, filed the above writ petitions to issue a writ of mandamus declaring the action of the first respondent in rejecting the claim of the minor petitioner for admission into the first year Diploma Course in Engineering Electronics (Computerisation) under Scheduled Tribe quota as highly illegal, arbitrary, void and consequently direct to grant admission to the petitioner into the First Year Diploma course in Engineering Electronics (Computerisation) under the Scheduled Tribe quota and pass such other orders, which are deemed fit and proper in the circumstances of the case.

2. The minor, aged 17 years filed the above writ petition through his father, as natural guardian, stating that they are the residents of Thimmasamudram village, Chittoor district, and belong to Scheduled Tribe, Yerukula. The minor petitioner has passed SSC examination in first division in March, 1990 and sought admission into the Polytechnic course and accordingly appeared in the Common Entrance Test, 1992 conducted by the first respondent within the local area of Sri Venkateswara University and obtained the rank 2737 and he was required to attend an interview on 10-11-1992 at SV Government Polytechnic College, Tirupathi. Accordingly, the petitioner attended and thereafter the

respondents informed that he will be intimated about his selection and allotment of seat in the due course. When the petitioner was expecting admission letter, to his surprise, he received a letter from the second respondent in proceedings No.2341 of 1992-TRI-VC-3 dated 21-11-1992 informing that the petitioner's social status is found to be prima facie doubtful for the following reasons:

- (a) The applicant and his father stated that they can not speak their own dialect;
- (b) Golla surname is uncommon among Yerukula Tribe;
- (c) They stated that Galeti is the other surname of their community;
- (d) and they stated that they do not know other surname of their community;
- (e) A seat may be kept under abeyance until further reply from this office.

Thereafter the minor petitioner was asked to appear before the Director of Tribal Cultural Research and Training Institute on 25-11-1992. Accordingly the petitioner appeared with all necessary documents in support of his claim of social status on the appointed day and time. Thereafter he was informed that in due course they would be giving clearance for his admission. The father of the petitioner, on 25-11-1992 brought to the notice of the 2nd respondent about the enquiry and the proceedings in respect of the social status of Mr. G. Ramachandra Naidu, and also the enquiry report conducted about the social status of G. Swarnalatha, who is cousin of the minor petitioner and the daughter of said Ramachandra Naidu in connection with her appointment as District Munsif. The father of the minor petitioner also produced all the documentary evidence along with judgment of his Court in Writ Petition No.3706 of 1992, wherein this Court has held that the cousin of the minor petitioner and the daughter of Sri Ramachndra Naidu belong to Scheduled Tribe. It is also submitted that the grand father of the minor Sri G. Annayya and Sri G. Ramachandra Naidu are real brothers born to Sri G. Gurumurthy Naidu and his wife Smt. G. Siddamma and therefore, the caste applicable to G. Ramchandra Naidu would also be applicable to the petitioner herein. When the said G. Ramachandra Naidu was selected and appointed as District Munsif in the year 1961, he was treated as a member of Scheduled Tribe as he belongs to Yerukula Tribe. At the time of initial appointment, enquiry was conducted, on the basis of the enquiry report, he was treated as Scheduled Tribe. When he was in service, at the instance of some people enquiry was ordered by the High Court and the District Judge, Chittoor was appointed as an Enquiry Officer and after elaborate enquiry, the District Judge, Chittoor submitted a report on 24-12-1968 holding that Sri G. Ramachandra Naidu is a member of Scheduled Tribe, Yerukula and there is no falsification of his tribe. The said report was accepted by this Court and intimated to the Government. Thus the tribe of the paternal uncle was confirmed as Yerukula which is listed in the Scheduled Tribe. That apart, the daughter of Sri G. Ramachandra Naidu. Smt. Swarnalatha was also selected as District Munsif and when she was undergoing training, orders were issued by the Government disbanding her appointment as Judicial Officer with effect from

3-3-1992 on the ground that she does not belong to Yerukula tribe but belongs to Ekiri Community which is not a Scheduled Tribe. Against the order, Writ Petition No.3706 of 1992 was filed and this Court by an order dated 2-7-1992 allowed the writ petition quashing the impugned order holding that the proceedings initiated against her are unwarranted, on the ground that there was an enquiry conducted against the social status of her father, Sri G. Ramachandra Naidu, who was Dist. and Sessions Judge.

3. It is further submitted by the petitioner that all those aspects were brought to the notice of the second respondent on 25-11-1992 and when the petitioner was expecting admission into the first year Diploma course in Engineering Electronics (Computerisation), the first respondent through his memo RC No.B/CEEP/92/ST/SVU/92 dated 10-2-1993 informed the petitioner that the Commissioner of Tribal Welfare in his letter dated 28-1-1993 has informed that his claim for admission into polytechnic under Scheduled Tribe quota is rejected. But the copy of the said letter was not furnished to the petitioner. Assailing the said proceedings, the present writ petition is filed contending that the father of the minor has submitted all the certificates including the social status certificate in the prescribed proforma issued by the Mandal Revenue Officers Vayatapadu and Sadam, in whose jurisdiction he was working as Cashier in Indian Bank, that neither the first respondent nor the second respondent conducted any enquiry regarding their social status and no such notice was given to us at any time and even otherwise, in view of the impeachable documentary evidence no enquiry should have been conducted either by the first or second respondents, that the impugned order is bad inasmuch as the same is based on a letter said to have been written by the second respondent on 28-1-1993 without conducting enquiry and therefore, it is liable to be set aside. It is further contended that the respondents should have taken into account the enquiry conducted against Sri G. Ramachandra Naidu, treating him as a member of Scheduled Tribe, Yerukula tribe and therefore, should have given admission to the minor. It is also contended that the second respondent is not vested with the powers to cancel the social status certificates or to differ from the judgments of this Court inasmuch as this Court in WP No.3706 of 1992 categorically held that the cousin of the petitioner i.e., the daughter of Sri G. Ramachandra Naidu are related and her social status was confirmed as a Schedule Tribe. Therefore, the denial of admission to the petitioner is clearly abuse of power by the second respondent.

4. The respondent No.2 filed counter-affidavit denying the assertions made by the petitioner in the above writ petition. Further submitted that the said Sunil Kumar does not belong to Scheduled Tribe. It is submitted that in pursuance of the instructions contained in G.O. Ms. No.119 LET (Technical Education Department), dated 2-3-1981 the application of the petitioner seeking admission into Polytechnic course under Scheduled Tribe quota during the year 1992-93 was referred to the Commissioner of Tribal Welfare for verification of social status and the minor petitioner appeared before a team of Officers of the second respondent on 21-11-1992 at the place of interview for admission into

Polytechnic course of Sree Venkateswara University, Tirupathi. During interview, it was stated by the petitioner and his father that they can not speak Yerukula dialect, that Golla surname to which the petitioner belongs is uncommon in Yerukula Tribe and that Galeti is that other surname of their community. In view of the above, it was decided that the fact requires further verification. Therefore, the petitioner was directed to substantiate the claim with oral and documentary evidence in support of his community claim. But the petitioner's father attended on 25-11-1992 and furnished the written statement of behalf of the petitioner wherein he has furnished the genealogical information of his family. He also furnished a xerox copy of transfer certificate from B.Z. High High School, Chittoor and did not furnish any community certificate from any competent authority issued in favour of his son in support of his claim as Scheduled Tribe. The second respondent denied in his counter affidavit about bringing to his notice the enquiry report conducted against the social status of Sri G. Ramachandra Naidu and also enquiry conducted against Smt. G. Swarnalatha, who is cousin of the minor. It is also further stated that as per genealogical information furnished by the father of the petitioner, it is clear that the petitioner's paternal grand father Sri G. Annaiah got younger brother by name Sri G. Muni Ratnam who, got a son by name Sri Golla Chandra Sekhar. Sri G. Chandra Sekhar applied for admission into MBBS course during the year 1978-79 in S.V. Medical College under Scheduled Tribe quota and the Principal of the said college, referred the case of Sri G. Chandra Sekhar to the second respondent officer for verification of his community. In that connection, enquiry was conducted and it revealed that he belongs to Ekiri or Ekili caste and not Yerukula Tribe, as claimed by him.

5. It is further submitted that G. Ramchandra Naidu is the younger brother of Sunil Kumar's paternal grand father and as per the enquiries made by the Revenue Officials, Chittor, about the case of Sri G. Gurumurthy and his family members of Timmasamudram village of the then Chittor Taluk, it is concluded that Sri G. Gurumurthy and his sons belong to Ekiri or Ekiti Naidu and not Yerukala tribe. It is further submitted that the findings of the Enquiry Officer into the caste of the petitioner's family is fully corroborated by the findings of the Revenue Divisional Officer, Chittor and the enquiry report was accepted by the District Collector and communicated to the second respondent and the District Collector has suggested stringent action against all the family members of Sri G. Chandra Sekhar. It is further submitted that the respondents have no knowledge of the orders of this Court in Writ Petition No.3706 of 1992. Against the order in Writ Petition No.922 of 1980 filed by Sri Golla Chandrasekhar, the paternal cousin of the petitioner, a Division Bench of this Court in Writ Appeal No.700 of 1982, has passed the following order:

".....since the question of the caste of the respondent (Sri G. Chandrasekhar) has not been gone into and determine on merits in the WP, it is but proper that such a clarification be made in this case also while not cancelling the admission of the respondent to the MBBS course. Accordingly, a direction has been issued in Writ Appeal No.220 of 1982 that the caste certificate on the basis

of which admission to the MBBS course was accorded to the writ petitioner would ensure to his benefit in respect of MBBS course only shall issue. For future studies and for employment or for any other purpose the question whether the Respondent - Petitioner belongs to Yerukala tribe or not left open and it would be for the writ petitioner to establish his caste de hors this judgment and de hors the certificate which would be eventually issued by the University on completion of the MBBS course....."

Thus it is clear from the above Division Bench Judgment of this Court that the claim of Sri Golla Chandrasekhar son of Muniratnam Naidu, the elder brother of Sri G. Ramachandra Naidu was not declared even when the petitioner brought to the notice of the Division Bench about the enquiry into the community claim of Sri G. Ramachandra Naidu, paternal uncle. As per the educational records of G. Vasamha and G. Amarvathamma, the paternal cousins of the petitioner's father, they belong to Ekiri caste. Therefore, it is established that Sunil Kumar also belongs to Ekiri Caste and not Yerukala tribe.

6. The most important thing the respondent has brought to the notice of the Court is that the petitioner is required to produce community certificate for seeking admission into Polytechnic under Scheduled Tribe quota, a valid community certificate issued by the Mandal Revenue Officer, Chittoor in whose jurisdiction the native place of the petitioner Timmasamurdrum is situated. But the petitioner has not produced community certificate from the Mandal Revenue Officer, Chittoor. Instead of that, the petitioner father produced community certificate from the Mandal Revenue Officer Vayalapadu and Sadam and both the certificates are old certificates and not valid as the Mandal Revenue Officer, Vayalapadu or Sadam has no jurisdiction over the native place of the petitioner. Therefore, the petitioner's contention that he had fulfilled all the requirements for getting admission into Polytechnic courses under Scheduled Tribe quota is not correct.

7. The respondents further submitted that in view of the order of the Division Bench of this Court and in view of the documentary evidence about the caste of the petitioner's father, paternal aunts, the petitioner cannot be considered to be a member of Schedule Tribe, even though his paternal grand uncle Sri G. Ramachandra Naidu was reportedly considered as a member of the Scheduled Tribe. It is further submitted that the second respondent has not cancelled the community certificate produced by the petitioner, therefore, the question of challenging his action on the ground is not clothed with powers to cancel the community certificate. Therefore, the respondent cannot rely on the community certificate produced by the petitioner issued by the Mandal Revenue Officer, Vyalapadu and Sadam, who are not having jurisdiction over the native place of the petitioner. For the above said reasons, the respondent submits that the claim of the petitioner cannot be considered on the basis of the community certificate issued by the Mandal Revenue Officer, Vyalapadu and Sadam other than the Mandal Revenue Officer having jurisdiction over the native place of the petitioner.

8. On the basis of the above narrated facts, the learned senior Counsel for the petitioner, Sri G. Vedantha Rao, has brought to the notice of this Court the community certificates issued by the Mandal Revenue Officer, Timmasamudram to the members of the petitioner's family, that they belong to Scheduled Tribe (Yerukala) and some of the members of the petitioner's family are working in Judiciary, Medical and Health, Banks and other Service Organisations, on the basis of the Scheduled Tribe Certificate issued by the Mandal Revenue Officer. He also brought to my notice the Genealogical chart of the family of the petitioner. Originally G. Gurumurthy Naidu the great grand father of the petitioner whose caste is Ekiri Naidu, married one Smt. Siddamma, who hails from Scheduled Tribe and he got children by name G. Venkatamuni, G. Krishnaiah, G. Aunaiah Naidu, G. Munirathnam, G. Ramachandra Naidu and a daughter by name Ramnujamma, The first son G. Venkatmuni had no issues. G. Krishnaiah had a son by name G. Nagaraju and daughter by name G. Vasanthamma. G. Nagaraju was working in a sugar factory. Sri G. Annaiah Naidu had issues by name G. Ramakrishnaiah, G. Chandramouli, whose son, Sunil Kumar, is the minor petitioner herein. Sri G. Munirathnam Naidu had the issues by name G. Amarvathi, G. Symalamma, G. Chandraskhar and G. Prabhakar. Sri G. Ramachandra Naidu had the issues by name G. Bhakatvatsalam, working as Lecturer; G. Lokardya, G. Gnanamma, G. Swarnalatha working as District Munsif and lastly G. Mohan. It is further submitted that the said G. Gurumurthy Naidu, from the date of his marriage with Siddamma, has given up his caste Ekiri Naidu and claimed the tribe of Siddamma, as Scheduled Tribe. This fact is known to each and every person in that village.

9. The chart further elicits that Chandramouli is working in Banking service and Muniratnam Naidu was elected as Director to the Chittoor Co-operative Sugar Factories, as a member of the Scheduled Tribe. His son G. Prabhakar was elected as Municipal Councillor of Chittoor Municipality as a Scheduled Tribe Candidate. Sri G. Ramachandra Naidu was selected as Munsif Magistrate and thereafter he was promoted as District Judge and after conducting an enquiry under the Orders of the High Court, his social status was confirmed as Schedule Tribe, Yerukala and his daughter Smt. G. Swarnalatha also was held to be a member of Scheduled Tribe, Yerukala. Therefore, taking into consideration the above stated facts and circumstances, it can be presumed that the petitioner belong to Schedule Tribe Yerukala, as such the conclusion arrived at by the respondent is erroneous and contrary to the settled principle of law. He further contended that G.O. Ms. No.89 Social Welfare (B2) Department, dated 8-4-1989 empowers the Revenue Officials not below the rank of Tahsildar, to issue caste certificate in case of conversion or re-conversion from Christianity to Hinduism by following the under mentioned conditions:

(i) wherever a person has been recorded as Harijan throughout his school career, he should be deemed to be a harijan and no further verification should be called for.

(ii) Whenever it is noticed that a person has been shown as harijan Christian at a freight time in his educational records and/or The change to Hinduism towards the completion of the course of study immediately preceding the application for a certificate, enquiry should be conducted to arrive at his status.

(iii) Needless to any certificate of conversion to re-conversion produced only for purpose of a seat in an institution or for employment as caste known by the timing of the fact of conversion or re-conversion should be thoroughly investigated.

The learned Counsel for the petitioner relying on a clause of the above said G.O. that wherever a person has been recorded as a harijan throughout his school career, he should be deemed to be a harijan and no further verification should be called for, contends that the petitioner should be treated as a member of Scheduled Tribe inasmuch as throughout his career he was treated as Schedule Tribe and therefore, he should be deemed to be a member of Scheduled Tribe and no further verification should be called for by the respondents.

10. The above said G.O. pertains to harijans who converted into Christianity and re-conversion into Hinduism, when their caste or tribe is recorded in the educational records, shall be treated as Scheduled Tribe without any further verification. Therefore, in the case on hand, the petitioner is not a Harijan converted Christian. Therefore, the first clause in the G.O. relied on by the learned senior Counsel is not applicable to the petitioner's case. On the other hand, in no entry either the Scheduled Caste Order, 1950 or the Scheduled Tribe Order, 1950 or of the Constitution of India contains the word Harijan, therefore, I do not know how the Government has issued the said G.O. in the name of Harijan converted Christian.

11. The learned senior Counsel further submitted that the petitioner has got a right to move anywhere in India under Article 19 of the Constitution of India. The grounds for rejecting the admission of the petitioner to the Polytechnic i.e., the petitioner is not speaking the traditional language of "Yerukala", that Golla surname is uncommon among Yerukala tribe and that Galeti is the other surname of the Yerukula and they stated that they do not know the other surnames of their tribe, are unconstitutional and violative of the fundamental rights conferred on the petitioner. There is need to speak the language of Yerukala by the petitioner, who is educated and the first respondent has come to such conclusion on the basis of the enquiry conducted without giving any notice and opportunity to the petitioner. He also contended that there is no need to tally the surname of the petitioner and as such the impugned action of the respondents rejecting the admission of the petitioner to the Polytechnic course, on the ground that he does not belong to Scheduled Tribe Yerukala, is without jurisdiction and not based on the any enquiry report. He further contended that the respondents should have taken into consideration that Sri G. Ramachandra Naidu was treated as a member of Scheduled Tribe on the basis of the enquiry report of the District Judge, Chittoor, instituted by the High Court basing on a

complaint was made against him that the he does not belong to Scheduled Tribe. Secondly, in case of his daughter Smt. G. Swarnalatha and G. Chandra Sekhar also, the High Court has held that they belong to Scheduled Tribe. Therefore, without considering the above established facts, the respondents have rejected admission of the petitioner.

12. In support of his contention, the learned senior Counsel relied on two judgments of the Supreme Court viz., Kumari Madhuri Patila and another Vs. Addl. Commissioner, Tribal Development and others, , and Director of Tribunal Welfare, Government of Andhra Pradesh Vs. Laveti Giri and another, , and contended that the proposition laid down in this decision with regard to the issuance of social status certificate by the Department was not followed and therefore, the action of respondents is contrary to the judgment of the Supreme Court.

13. In Laveti Giri's case it is indicated as to how the social status certificate has to be issued. When an application is made to the Revenue Authorities, they should conduct enquiry by themselves and should give notice to the parents and the Department should have Vigilance Cell for enquiring into the matter. If the report is in favour of the applicant, the certificate has to be issued and if the enquiry report is against the claim and the claim/certificate is found to be false, the claimant, parent or guardian should be prosecuted. However, it is stated that the enquiry and disposal of the claim petition of the claim for seeking social status certificate has to be considered as expeditiously as possible.

14. The learned senior Counsel has also relied on a judgment of the Supreme Court Gayatrilaxmi Bapurao Nagpure v. State of Maharashtra AIR 1996 1338. The facts of that case in a nutshell are that the appellant, with a view to apply for admission to the Medical Course, approached the second respondent, the Scheduled Tribe Caste Certificate Scrutiny Committee for the issue of a caste certificate to the effect that she belongs to "Halba" Schedule Tribe to enable her to apply for admission to the Medical Course under the category and in support of her claim, apart from appearing before the said Committee and furnishing certain information, the appellant has filed in all 17 documents consisting of certificates issued by the Executive Magistrate and School Certificate issued to her and Caste Certificate issued to her father. The second respondent while considering the claim of the appellant and evaluating the probative value of the documents produced, did not deal with one important document, document No.9 in the order of the second respondent which related to order the passed by the Government on appeal by the first cousin of the appellant in the matter of issuance of Caste certificate to him. That order of the Government dated 1-9-1981 overruling the order of a Committee, granted a caste certificate, holding that the first cousin of the appellant, by name, Abinash, Prabhakar Nagpure in the matter of issuance of caste certificate. Therefore, ultimately the Supreme Court held that denial to grant social status certificate by the Scheduled Tribe Caste Certificate Scrutiny Committee without considering the relevant

material placed before it or applying its mind to important documents and depriving genuine candidate of the privileges on her is not proper and greater care has to be taken before granting or rejecting the caste certificate.

15. It is true that the respondents should have examined all the relevant documents, as submitted by the respondents in their counter affidavit that the father of the minor petitioner has not produced all the relevant documents before them. That is matter of evidence, whether father of the minor petitioner has produced all the relevant documents or not. Therefore, at this juncture, I can not say that the respondents have not verified or considered all the documents before them.

16. Therefore, basing on the principle laid down by the Supreme Court, the learned Counsel submits that the father of the minor petitioner has submitted all the relevant documents, genealogical map of the family, judgments of High Court and the certificates issued to the members of their family for their consideration, but the respondents without applying their mind and without scrutiny of the documents have rejected the claim of the petitioner for admission into Polytechnic course. Therefore, in view of the Judgments of the Supreme Court, the impugned order passed by the respondents is illegal and liable to be set aside.

17. Though the matter was heard for considerable time, atleast three four times, there is no representation from the Government or their Counsel appearing in the High Court. Therefore, on the basis of the material available and placed before me and the arguments advanced by the learned senior Counsel, I proceeded with the matter.

18. If the submission of the learned senior Counsel that the great grand father of the petitioner's family, G. Gurumurthy Naidu who has married Siddamma, who hails from Scheduled Tribe Yerukula, though he has given up his caste of Ekiri Naidu community and lived with the said Siddamma, it does not confer the tribe of Siddamma on Gurumurthy Naidu. There are two types of family in Hindu Society; one patriarchal and another matriarchal. We are concerned with patriarchal family. In patriarchal family, head of the family is father of the children born to him acquire the caste of their father by birth. When a female marries the head of a family or any member of the family, the said female immediately after marriage acquires the surname and caste of her husband. By virtue of the above, it cannot be held that Gurumurthy Naidu has acquired the tribe of his wife Siddamma.

19. Learned authors Carl C. Taylor, Douglas Ensminger, Helan W. Johnson and Jeans Joyce in their Book India's Roots of Democracy in chapter 3 "Castes and the Caste System" have quoted a passage from the book "Caste and Class in India" written by Ghurye, regarding six features of caste system as under:

1. Castes were groups which with a well-developed life of its own, the membership whereof, unlike that of voluntary associations and classes, was

determined not by selection, but by birth.

2. Every where in India, there was a definite scheme of social precedence among the castes, with a Brahman at the head of the hierarchy.

3. There are restrictions on feeding and social intercourse.....there are minute rules as to what sort of food or drink can be accepted by a person and from what caste.

4. Segregation of individual castes or groups of castes in village is the most obvious mark of civil privileges and disabilities, and it has prevailed in more or less definite forms all over India.

5. There was a lack of unrestricted choice of occupation:.....Caste or a group of allied castes considered some of the callings as its hereditary occupation, to abandon which in pursuit of another, though it might be more lucrative, was brought not be right.

6. There are restrictions on marriage -most of the groups, whose features I have attempted to characterise above, are further divided into a number sub-groups, every one of which forbids its members of marry persons from outside it. Each of these groups, popularly known as sub-castes is thus endogamous"

The authors have further stated thus:

Caste gives its directions for recognition, acceptance, consecration and sacramental dedication, and vice versa, or a human being on his appearance in this world. It has for infancy, pupilage, and manhood, its ordained methods of sucking, sipping, drinking, eating, and voiding, of washing, rinsing, anointing and smearing, of clothing, dressing, and ornamenting, or sitting, rising and reclining, of moving, visiting, and travelling of speaking, reading, listening and reciting and of meditating, singing, working, playing and fighting. It has its laws for social and religious rights, privileges, and occupation, for instructing, training, and education, for obligation, duty and practices; for divine recognition, duty and ceremony, for errors, sins, and transgressions, for intercommunion, avoidance, and excommunication; for defilement, ablution and purification, for fines, chastisements, imprisonment mutilations, banishment and capital executions. It unfolds the ways of committing what it calls sins, accumulating sin, and putting away; and of acquiring merit dispensing merit, and losing merits. It treats of inheritance, conveyance, possession and dispossession; and of bargains, gains loss and ruin. It deal with death, burial and burning, and with commemoration, assistance and injury after death. It interferes, in short, with all the relations and events of life and with what precedes and follows.

20. The above discussion make it clear that the inheritance of caste is by birth and it will continue through-out the life till death, whereas it is different from class system. The Caste System in India is horizontal and it cannot be changed; whereas class system is vertical, which can be changed on acquiring and achievements of a person. Therefore, once Gurmurthy Naidu hails from Ekiri

Naidu community, though he married Siddamma, hailing from Scheduled Tribe, cannot claim social status of Yerukula, Scheduled Tribe. Therefore, the conclusion arrived at by the respondents is correct.

21. With regard to other contentions raised by the petitioner that the petitioner need not speak dialect of Yerukula Tribe and need not know the other surnames of Yerukula Tribe are concerned, when once the petitioner has claimed the social status of Yerukula, certainly he has to speak the dialect of Yerukula Tribe, which is one of the facets of the said Tribe. By changing circumstances or attaining education, it cannot be said that he is not able to speak Yerukula language. When once he claims the social status of Yerukula Tribe, certainly he has to know the other surnames in the Tribe, by virtue of his relations with other Yerukula Tribe.

22. In the present case, the petitioner has relied on the enquiry report submitted by the District Judge, Chittoor in respect of G. Ramachandra Naidu, who has reported that the said Ramachandra Naidu hails from Scheduled Tribe. On the other hand, the Revenue Divisional Officer, Chittoor, report concludes in another way; viz., he has stated that the male members of the petitioner's family claims that they belong to Scheduled Tribe, Yerukula and the female members claim that they belong to Ekiri Naidu caste. The RDO, on the basis of the statements recorded by him came to the conclusion that they do not belong to Yerukula Tribe, by virtue of their marriages and occupation.

23. With regard to the judgments relied on by the learned senior Counsel for the petitioner that Chandrasekhar belong to Yerukula Tribe, it was stated in Writ Appeal No.700 of 1982 filed against the order in Writ Petition No.922 of 1980 that since the question of the caste of the respondent (Sri G. Chandrasekhar) has not been gone into and determine on merits in the writ petition, it is but proper that such a clarification be made in this case also, while not cancelling the admission of the respondent to the MBBS course. Accordingly, a direction as issued in Writ Appeal No.220 of 1982 that the caste certificate on the basis of which admission to the MBBS course was accorded to the writ petitioner would ensure to his benefit in respect of MBBS course only shall be issued and for future studies and for employment, or for any other purpose the question whether the respondent - petitioner belongs to Yerukula Caste or not was left open and it would be for the writ petition to establish his caste de hors the judgment and de hors the certificate which would be eventually issued by the University on completion of the MBBS course.

24. From the above observations made by the Division Bench of this Court in the writ appeal, it is clear that the community of Sri G. Chnadrsekhar was not determined and that issue was left open to be proved by the petitioner therein to establish that he belongs to Yerukula Tribe.

25. The case of G. Swarnalatha, who was selected as the Dist. Munsif was also not determined that she belongs to Yerukula Tribe.

26. From the above circumstances, it can be held that when some members of the family are held to be belonging to Ekiri Naidu community and the said Chandrasekhar has failed to establish that he belongs to Scheduled Tribe Yerukula, it cannot be held that the petitioner belongs to Scheduled Tribe Yerukula.

27. As stated by the respondents in their counter-affidavit, the father of the petitioner has not produced the community certificate issued by the Mandal Revenue Officer, who is having jurisdiction over the village Tippasamudram. On the other hand, the certificates issued to the father of said Sunil Kumar were produced which were issued by the Mandal Revenue Officers, Vylapadu and Sadam. Therefore, considering the facts and circumstances of the case, it cannot be said that the petitioner hails from Scheduled Tribe Yerukula community and the decision arrived at by the respondents on verification of the documents and interviewing father of the petitioner that they do not belong to Scheduled Tribe Yerukula, is not correct. Therefore, I am unable to accept the contention raised by the learned senior Counsel for the petitioner.

28. The writ petition accordingly fails and is dismissed. No costs.

29. In view of the detailed order passed in Writ Petition No.2259 of 1993, no cause survives in Writ Petition No.4507 of 1996 for adjudicating the proceedings Rc.No.3486/18 of 1993 dated 13-8-1995 of the first respondent therein as violative of Articles 14, 21, 39 and 41 of the Constitution of India. Therefore, the writ petition No.4507 of 1996 accordingly fails and is dismissed. No costs.

30. Before parting with the judgment, I wish to add that since there is dispute with regard to the social status of the petitioner whether he belongs to Ekiri Naidu community or Scheduled Tribe Yerukula and to avoid future confusion, the respondents are directed to conduct a thorough enquiry under the provisions of the New Act, 1993 Act 16 of 1993 and issue social status certificate on the basis of the enquiry report. This exercise shall be done within a period of six months from the date of receipt of a copy of this order.