

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

-
WRIT PETITION NO : 10735 of 2004

Between:

B. Shankaraiah S/o B. Kanakaiah R/o H. No. 6-3-605, Gandhinagar,
Ramgiri, Nalgonda

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation, Mushirabad,
Hyderabad rep by Vice Chairman and Managing Director

2 The Depot Manager, Andhra Pradesh State Road Transport
Corporation, Nalgonda Depot, Nalgonda

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction or Writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the proceedings No. 01/114 (9)/04-NLG, dated 16-6-2004 issued by the Depot Manager, APSRTC, Nalgonda District is illegal, arbitrary and contrary to Act 16 of 1993 and declare the proceedings are null and void

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: SRI K.HARINATH

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the proceedings of second respondent, dated 16.06.2004, proposing to pass an order of removal against the petitioner on the premise that at the time of joining in the Corporation, he produced a false caste certificate as belongs to 'Tenugu' caste (BC-D) though he belongs to 'Vysya' caste which is a forward caste. Therefore, according to second respondent, the petitioner cheated the Corporation, which constitutes misconduct in terms of Regulation 28 (XV) of APSRTC Employees' (Conduct) Regulations, 1963.

2. Heard the learned Counsel for the petitioner and the learned Standing Counsel for APSRTC.

3. The proceedings of second respondent is assailed in the present writ petition on the ground that second respondent based his action on a report said to have been received from the Mandal Revenue Officer. According to the petitioner, if there is any dispute as to the genuineness of the caste certificate produced by persons belonging to SC, ST and BC, the same has to be adjudicated by the competent authority under the

provisions of the A.P. (SC, ST & BCs) Regulation of issuing of Community Certificates Act, 1993, and Rules 1997 (for short the 'Act'). The said issue has to be adjudicated under Section 5 of the Act by the District Collector after giving an opportunity to the petitioner. If ultimately it is decided by the competent authority that the petitioner has produced a false certificate as alleged by second respondent, second respondent can take appropriate action basing on the orders of the District Collector who is the competent authority under Section 5 of the Act. Until then, second respondent is not entitled to take any action against the petitioner.

4. Under the above circumstances, the impugned proceedings of second respondent is set aside with a direction to second respondent to refer the disputed issue to the District Collector for appropriate enquiry under the provisions of the Act.

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

30.06.2004

VGB

To:

- 1 The Vice Chairman and Managing Director, Andhra Pradesh State Road Transport Corporation, Mushirabad, Hyderabad
- 2 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Nalgonda Depot, Nalgonda
3. Two CDs