

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD**

**THURSDAY, THE THIRTY FIRST DAY OF MARCH,  
TWO THOUSAND AND FIVE**

**PRESENT**

**THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE**

**and**

**THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY**

**WRIT APPEAL NO.658 of 2005**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02/03/2005 in WP No.1560 of 2005 on the file of the High Court.)

Between:

1. Vinod Chandra Sanyasi Raju,

S/o Late L.N.Sanyasi Raju, Aged: 46 years,

R/o Kotaveedhi, Salur, Vizianagaram district.

2. Nagendramani Devi, Aged: 17 years, Minor rep.

by her natural Guardian and Father,

Vinod Chadra Sanyasi Raju (1<sup>st</sup> appellant)

3. Padmavathi Mani Devi, aged: 16 years,

Minor, rep. by her natural Guardian and father

Vinod Chandra Sanyasi Raju (1<sup>st</sup> appellant)

4. Vijaya Narayana Sanyasi Raju, aged about 15 years

Minor rep. by his natural guardian and father

Vinod Chandra Sanyasi Raju (1<sup>st</sup> appellant)

**..... APPELLANTS**

**AND**

1 The Government of Andhra Pradesh, rep.

by its Principal Secretary, Social Welfare Department,  
Andhra Pradesh, Secretariat, Hyderabad.

2. The District Collector, Vizianagaram,  
Vizianagaram district.

3. The Revenue Divisional Officer, Parvathipuram, Vizianagarm district.

**.....RESPONDENT(S)**

Counsel for the Appellants : Sri M.Vidya Sagar

Counsel for the Respondents : Govt. Pleader for Social Welfare

W.A.No.658 of 2005

HCJ & BSSR, J

ORAL JUDGMENT: (Per Hon'ble the Chief Justice)

Petitioners – appellants are aggrieved by the order of the learned single Judge dismissing their writ petition. In the writ petition, appellants sought mandamus to declare the action of respondents in depriving the rights of petitioners to enjoy the social status as members belonging to a particular caste, as illegal and arbitrary.

Learned single Judge dismissed the writ petition on the ground that it was totally misconceived, and that there is a different Forum available.

We have gone through the contents of the writ petition. Writ Petition is filed on the basis of vague averment that application was made for issuance of caste certificates under the provisions of Andhra Pradesh Scheduled Castes, Scheduled Tribes and

Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997, without specifying on what date the petitioners approached the respondents with an application and with what particulars. It is admitted by the learned counsel for the parties, whom we have heard at the admission stage itself, that issuance of Community, Nativity and Date of Birth Certificates is governed by the aforementioned Rules framed under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. There is a procedure for receipt of application under the Rules and its disposal within the time-bound frame. There is also a provision made in the Rules that where the last date for admission to the educational institutions or appointment to a post is getting expired, provisional admission/appointment has to be given subject to certain conditions and subject to production of certificates.

There is no reason as to why a citizen who would approach the concerned authorities with an application for issuance of the requisite community, nativity and date of birth certificate under the provisions of the Rules after fully complying with the procedure laid down thereunder, will not be duly considered and processed in accordance with law. Learned single Judge was not justified in simply dismissing the writ petition reserving liberty to the petitioners to approach the concerned Forum. Therefore, we are inclined to give appropriate directions.

Accordingly, we allow the writ appeal and set aside the impugned order and dispose of the writ petition filed by appellants with direction that in case petitioners will approach the concerned authorities with appropriate application as envisaged under the Rules for issuance of any of the Certificates envisaged under the Rules, such application will be duly processed in accordance with the procedure laid down under the said Rules.

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DEVINDER GUPTA, C.J.

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B.SESHASAYANA REDDY, J

31-03-2005

bsc

To

1. The Principal Secretary, Social Welfare Department, Government of Andhra Pradesh, Secretariat, Hyderabad.
2. The District Collector, Vizianagaram,  
Vizianagaram district.
3. The Revenue Divisional Officer, Parvathipuram, Vizianagarm district.
4. 2 CCs to Govt. Pleader for Social Welfare, High Court  
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