

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

TRIBAL WELFARE DEPARTMENT – Appeal Petition filed by Sri Kaigala Surya Rao S/o Sri Apparao, Employee in Police Dept., VSP. Dist. under Section 5 of A.P.(SCs, STs & BCs) Regulation of Issue of Community Certificate Act, 1993 (Act No. 16 of 1993) against the Proceedings of the Collector, East Godavari District dated 3.1.1990–Rejected–Orders– Issued.

-----

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 11

Dated: 24 -1 -2004  
Read the following:

- 1) Proceedings of the Joint Collector, East Godavari Dist. No.B3/14161/89, dated 3.1.1990.
- 2) Appeal petition filed by Sri K.Surya Rao S/o Sri Appa Rao, Chandrapalem, Visakhapatnam dt. 7.8.2000 through his Counsel, Sri D.V. Nagarjuna Babu, Advocate.
- 3) Govt.Memo No.13142/CV.2/2000-1, dated 2.9.2000.
- 4) From the Collector, East Godavari District Lr.Ref.No. C5/1979/2000, dated 5.12.2000 & 4.2.2003.
- 5) Govt.Memo No.13142/CV.2/2000-8, dated 9.4.2003, 23.5.2003, 2.7.2003 & 30.8.2003.
- 6) Govt.Memo No.13142/CV.2/2000-12, dated 7.11.2003.

\*\*\*

ORDER:

Murla Rajamma of Rampachodavaram have filed a petition under Agency Rule 14 before the Sub-Collector & Spl.Asst.Agent, Rampachodavaram against Sri Kaigala Suryarao, Employee in Police Dept. for producing false “Konda Kapu” certificate and prayed for enquiry.

2. Smt. Kaigala Nookamma has deposed in the enquiry conducted in the Sub-Collector Office, Rampachodavaram that she is the daughter of Sri Kalli Yerakayya of Burugulanka (V), belongs to ‘Konda Kapu’ caste and married Sri M.Apparao of Vegeswarapuram(V), West Godavari Dist. She has further stated that she has only one son namely, Sri Kaigala Suryarao. Sri K.Suryarao, has deposed that his caste was recorded as Konda Kapu in the School records at the time of admission. He has not produced any caste certificate. The Hindu aided Elementary School, Rampachodavaram records, reveals that the caste of Sri K.Suryarao was recorded as Kapu in the primary stage and later it was altered as “Konda Kapu” in the record sheet of 8<sup>th</sup> class. Sri K.Suryarao himself has deposed that his father belongs to Kapu Caste.

3.. Smt. Sankaru Yasodamma, former Muttadarini of Rampa who belongs to Konda Reddy has deposed that Smt.Nookamma is a native Pondaprolu Mohanapuram of Gangavaram(M) and she was firstly taken as concubine by Sri Chakrarao to Rampachodavaram and later she was kept by K.Apparao. She further stated that Smt Nookamma is not Kondareddy lady. Sri K.Suryarao has deposed that in his mother is the native of Vadisileru (V) of Rampachodavaram(M). Sri K. Suryarao was brought up by his father (non-tribal) and he got married with Smt Seetamahalaxmi, D/o Sri Jallipalli Gopayya native of Doramamidi (V) of West Godavari Dist., who belongs to Kapu caste. Moreover, Smt.Sankaru Yesodamma, who is Kondareddy by caste has stated that they are not treating Sri K.Surya Rao as Konda Reddy.

4. As per the above information it clearly discloses that Sri K.Suryarao S/o Sri Apparao belongs to 'Kapu' caste but not "Konda Kapu" or Konda Reddy. . Hence a show cause notice has been issued to the appellant directing him to submit his written explanation with recorded evidence in support of his claim as ST. Sri B.Jagannadha Rao. Advocate, Kakinada has appeared on 23.12.89 on behalf of Sri Kaigala Suryarao and filed documents in support of the tribal status of Sri Kaigala Suryarao. After perusal of the evidence it has been held that the school records which cannot be considered, as proof of his caste, as the surname, caste, Religion etc., will be recorded on the declaration of the parents of the pupil at the time of admission by the school authorities, which will continue in the higher studies and employment.

5. The Certificate issued by the V.M., Rampachodavaram on 22.12.62 revealed that Sri K.Apparao was migrated to Rampachodavaram from somewhere. He has certified that Kalli Nookamma is a 'Konda Kapu' by caste. But Sri K.Suryarao has deposed in his statement and in the information furnished in I to IV Schedules that his mother, Smt. Nookamma belongs to "Konda Reddy". This revealed that the certificate was issued without proper knowledge about the caste of his mother.

6. The settlement Officer, Muttadari Abolition in his proceedings dt.14.8.1973 has observed Smt Nookamma as tribal relying on the reports of the U.D. Revenue Inspector and Special Deputy Tahsildar, Mutta Abolition, Rajahmundry. He has also observed that Sri K.Apparao is Telaga (Kapu) by caste. The matter relates to the Patta lands, which is different from present Caste enquiry of Sri Kaigala Suryarao. Even it was admitted that Smt Kaigala Nookamma as tribal, Sri Kaigala Suryarao could not be treated as tribal because he was brought up in non-tribal locality (Vegeswarapuram) by his father (non –tribal) married Kapu(OC) lady and has no relation with a co-tribals.

7. In the above circumstances, the Joint Collector, E.G.Dist. in his proceedings 1<sup>st</sup> read above, has declared the caste of Sri Kaigala Suryarao, S/o Sri Apparao as 'Kapu' but not 'Konda Kapu' as recorded in his school records.

8. Aggrieved by the Orders in the reference 1<sup>st</sup> read above, the appellant has filed W.P.No 1761/90 in High Court of A.P.. The Hon'ble High Court have granted interim Stay of the proceedings 1<sup>st</sup> read above. Further, the High Court of A.P. while disposing of the W.P. in its order dated 23.6.90 have granted eight weeks time to the appellant prefer to an appeal against the orders of the Joint Collector, E.G.Dist. dt.3.1.90 before the Appellate Authority who should entertain the appeal and pass appropriate orders thereon in accordance with law.

9. In the reference 2<sup>nd</sup> read above Sri Kaigala Suryarao S/o Sri Apparao, Chandrapalem, Visakhapatnam Dist. has filed an appeal petition through his Counsel, Sri D.V.Nagarjuna Babu, Advocate under Section 7(2) of the said Act, 1993 (Act No.16/93) before the Government against the Proceedings of the Joint Collector, East Godavari District 1<sup>st</sup> read above, as per the orders of the High Court dt.23.6.90 in W.P.No. 1761/90. Govt. in the reference 3<sup>rd</sup> read above.

::3::

have granted Stay of the Proceedings issued by the Joint Collector, E.G.Dist., in the proceedings 1<sup>st</sup> read above pending disposal of the appeal 2<sup>nd</sup> read above. The Appeal Petition filed by Sri Kaigala Suryarao, in the reference 2<sup>nd</sup> read above has been taken on the file.

10. The case has been taken up for personal hearing on 28.4.2003, 6.6.2003, 17.7.2003 and 18.9.2003. The Counsel for the appellant have attended on 18.9.2003 and requested for adjournment. Again the case was posted for final hearing on 4.12.2003. Both the appellant and his Counsel have appeared for the personal hearing held on 4.12.2003 and made their arguments.

11. From the perusal of the records of the appeal and other material papers and after hearing the appellant through his counsel, the appellant could not furnish any valid and considerable recorded evidence in support of his claim except school records and Military discharge certificate etc. which are not documentary evidence to determine the caste of the individual. The appellant has not produced any documentary evidence to prove the tribal status of his mother as Konda Reddy. The appellant himself has deposed that his father belong to Kapu caste. He was brought up by his father (Non-tribal) and he also got married with a Kapu caste lady. In the inter-caste marriages, the child can claim the caste of his father but not of his mother. The child born to a Kapu father cannot claim to be a member of ST on the ground that his mother belongs to ST community. The family status of the father automatically devolves on the child irrespective of caste of the mother of the child. The social status of the children will go with the social status of the father but not with that of the mother. The off-spring born out of the wed-lock of Inter-caste marriages can not claim the social status of the mother. Since the father of the appellant belongs to Kapu caste and his mother does not belong to Konda Reddy Community, the appellant cannot claim ST status as Konda Reddy or Konda Kapu. Even it was admitted that Smt.Kaigala Nookamma as a Tribal, but the appellant Kaigala Surya Rao could not be treated as Tribal because his father is a non-tribal.

12. After perusal of the material available on record, it has been observed that the appellant has not filed any basic recorded documentary evidence in support of social status claim and the Govt. held that the appellant do not belong to ST "Konda Kapu" Community.

13. Government, after careful examination of the above facts and in exercise of the powers conferred Under Section 7(2) of AP.(SCs, STs & BCs) Regulation of Issue of Community Certificates, Act 1993 (Act No.16 of 1993) and rules made thereunder, hereby reject the Appeal Petition filed by Sri Kaigala Surya Rao S/o Sri Apparao, Chandrapalem, Visakhapatnam in the reference 2<sup>nd</sup> read above, up holding the Proceedings of the Joint Collector, East Godavari District issued in the reference 1<sup>st</sup> read above, and vacate the Stay granted to the individual in the reference 3<sup>rd</sup> read above.

14. The records received from the Collector, East Godavari District

::4::

through the reference fourth read above are herewith returned in original to the Collector, East Godavari District and he is requested to acknowledge receipt of the same immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.CHAYA RATAN,  
PRINCIPAL SECRETARY TO GOVT.

To  
Sri K.Surya Rao S/o Apparao,  
D.No. 4-163, Chandrapalem,  
Visakhapatnam District.  
The District Collector,  
East Godavari District.(WE)  
(Original Records bearing No.R.Dis.B2/14161/89,  
containing CF pages from 1-168 only.)

Sri Duba V.Nagarjuna Babu, Advocate,  
H.No.69/3 RT, Vijayanagar Colony,  
Hyderabad – 500057.

Copy to: The Superintendent of Police, E.G.Dist.,Kakinada.  
The PS to M(TW)  
The PS to Prl.Secretary to Govt.(TW)  
The PA to Addl.Secretary (TW).

//Forwarded::By Order//

SECTION OFFICER