

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT – Appeal Petition filed by Smt.Janni Ganga D/o Sri Gumpa Swamy, S.G.Teacher, T.K.Jammu (V), Jiyyammavalasa (M), Vizianagaram Dist.Under Section 7 of A.P.(SCs, STs & BCs)Regulation of Issue of Community Certificate Act 1993 against the Proceedings of the Collector, Vizianagaram District dated 13.5.2002 –Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.MS.NO. 21

Dated: 28.2.2004

Read the following:

- 1.Proceedings of the Collector, Vizianagaram District Rc.No.1576/99 C5, dated 13.5.2002
- 2.Appeal petition filed by Smt J.Ganga, Second Grade Teacher, T.K.Jammu of Jayammavalasa (M), Vizianagaram Dist. Dt. 24.6.2002.
- 3.Govt.Memo No. 10027/CV.2/2002-1, dated 10.7.2002
- 4.From the Collector, Vizianagaram, Rc.No. 1286/2002,C5, dt. 4.12.2002.
5. Govt.Memo No. 10027/CV.2/2002-2, dt.24.1.2003, 9.4.2003, 23.5.2003, 2.7.2003 & 1.8.2003.
6. Govt.Memo No. 10027/CV.2/2002-7, dated 7.11.2003.

ORDER:

Sri Janni Gumpu Swamy belonging to ST Community of Sominaidu valasa village Komarada (M) has alleged in his petition dt.6.1.88 addressed to the Project Officer, ITDA, Parvathipuram that his daughter by name Janni Ganga was admitted in Elementary School, Komarada about 13 years back, that after she left the School, one Sri Guntreddy Gumpaswamy of Gangareguvalasa (V) who belongs to “Koppala Velama” community managed to get his daughter Guntareddy Hymavathi admitted in the elementary school in the vacant admission number allotted to Janni Ganga and after completion of her Xth class, Smt.Janni Ganga D/o Sri Gumpa Swamy was appointed as Single Teacher in ITDA , Parvathipuram in the posts sanctioned and allotted for ST candidate by producing the false ‘Jatapu’ ST Caste Certificate issued by the MRO, Komarada dt.26.9.1986. On this petition filed against Smt.Janni Ganga, the matter was referred to the MRO., Komarada and the MRO. had conducted a detailed enquiry and submitted his report to the Sub-Collector, Parvathipuram. The Sub-Collector, Parvathipuram had issued orders canceling the certificate issued to Smt.J.Ganga, vide his Proceedings Rc.No. 4037/89,dt.22.1.1990. Aggrieved by the orders of the Sub-Collector, Parvathipuram, Smt. J.Ganga filed an appeal before the Collector, VZM After examining the case, the then Joint Collector, VZM. had passed

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orders in his proceedings Rc.No.593/90/C7, dt.2.1.92. confirming the orders of the Sub-Collector, Parvathipuram.

2. Aggrieved by the orders passed by the Joint Collector, Vizianagaram dt.2.1.92, Smt.Janni Ganga had filed a WP bearing No. 2859/92 seeking for seta siding the orders of the Sub-Collector, parvathipuram. The Hon’ble High Court have disposed of the W.P. setting aside the

orders of the Sub-Collector, Parvathipuram for lack of jurisdiction with a direction that their order should not preclude the Competent Authority to make an appropriate enquiry into the matter in accordance with law after giving a reasonable opportunity to the petitioner, viz., Janni Ganga.

3. Based on the High Court of A.P. orders, the District Collector, VZM. had referred the matter to the DLSC. Vizianagaram for enquiry and to submit findings as contemplated U/R 9(1) of AP (SC, ST & BCs) Issue of Community, Nativity and Date of birth certificate Rules, 1997. Accordingly, the DLSC. VZM. had conducted enquiry and giving sufficient opportunity to the appellant and submitted its findings to the District Collector, Vizianagaram. Again the Collector, Vizianagaram had issued notice for personal appearance of the petitioner before the Collector. As the individual had not produced any conclusive evidence of the Community, the Collector, Vizianagaram had cancelled the ST Certificate held by Smt. Janni Ganga in his Proceedings Ist read above.

4. Aggrieved by the orders of the Collector, Vizianagarm, canceling her bogus ' Jatapu' ST Caste Certificate, in the reference Ist read above, the individual has filed an appeal petition through his Counsel, Sri B.Nageswara Rao, Advocate in the reference 2nd read above, u/s 7 of A.P.(SCs, STs & BCs) Regulation of Issue of community certificate Act, 1993 before the Govt. The Appeal Petition filed by Smt. Janni Ganga, in the reference 2nd read above has been taken on the file.

5. After receipt of the records from the Collector, Vizianagaram District the case has been taken up for personal hearing on 26.2.2003. As the appellant or the Counsel for the appellant have not appeared for personal hearing the case has been posted for next hearing on 28.4.2003. Again the case has been posted for next hearings on 6.6.2003, 17.7.2003, 18.9.2003. The appellant and his counsel have attended and made their arguments. Further the case has been posted for final hearing on 4.12.2003. Neither the appellant nor his Counsel have attended for the personal hearing.

6. From the perusal of the records of the appeal and other material papers available and after hearing the appellant through his Counsel, the appellant could not furnish any valid and considerable recorded evidence in support of her claim. No substantial recorded proof is available to establish the community of her father. She has not furnished record proof of the Birth Registration Certificates.

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7. Govt.after perusal of the records and material observes that the styling Smt.Janni Ganga is not Daughter of Sri Janni Gumpa Swamy, who belongs to Konda Dora ST Community. She is a daughter of Guntareddy Gumpa Swamy who belongs to "Koppala Velama community and the appellant name is Smt.Guntareddy Hymavathi. The appellant has not produced any recorded evidence about her adoption by Sri Janni Gumpa Swamy. Based on the said facts, the petitioner is not entitled to be as S.T. Jathapu caste and she is also not entitled to the benefits meant for S.T.candidates.

8. Government, after careful examination of the above facts and in exercise of the powers conferred u/S 7(2) of A.P. (SCs, STs & BCs) Regulation of Issue of Community Certificates, Act .1993 (Act No. 16 of 1993) and Rules made there under, hereby reject the Appeal Petition filed by Smt Janni Ganga D/o Sri Gumpa Swamy, S.G.Teacher, T.K.Jammu(V) of Jiyammavalasa (M), Vizianagaram District in the reference 2nd read above, up holding th

Proceedings of the Collector, Vizianagaram in the reference 1st read above.

9. The records received from the Collector, Vizianagaram District through the reference fourth read above are returned herewith in original to the Collector, Vizianagaram 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 GOVERNMENT

To
Smt. Janni Ganga W/o Sri Satyanarayana,
Ulipiri Ramabhadrapuram (V), Komarada (M),
Chollangipeta (Post), Vizianagaram District.
The Collector & Dist. Magistrate,
Vizianagaram District.(we)
(Original Records bearing Nos.

1. R.Dis.No.2099/91 containing CF pages 150 and NF pages 10.
2. (M) R.Dis.No. 1172/98 C7, CF pages 328 and NF pages 28.
3. (M) R.Dis.No.1576/99 C5. CF pages 114 and NF pages 20.)

M/s B.Nageswara Rao, Advocate,
Plot No. 7, SBH Colony, Asmengadh,
Malakpeta Colony, Hyderabad. 36.

Copy to:The PS to M(TW) / PS to Prl.Secretary (TW)

Sf.

//Forwarded::By Order//

SECTION OFFICER