

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD. - Appeal Petition filed by Sri Syamala Rama Raju S/o Appala raju R/o Rajahmundry (East Godavari District 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, Khammam District dated 2.10.2002 – Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.37

Dated:27 -4-2004
Read the following:

- 1.Proceedings of the Collector, Khammam District. D3-2493-2000-15.09 dated 2.10.2002
- 2.Appeal petition filed by Appeal petition filed by Syamala Rama Raju S/o Appala Raju, Rajahmundry before M(TW), dt.26.10.2002.
- 3.Govt.Memo No. 17512/CV.2/2002-1, dated 26.11.2002.
4. From the Collector, Khammam Dist. Lr. Rc.No. D3/2493-2000, dated 23.1.2003.
5. Govt.Memo No. 17512/CV.2/2002-3, dt.10.3.2003, 8.4.2003, 21.5.2003, 2.7.2003, 18.8.2003, and 7.11.2003.
6. Govt.Memo No. 17512/CV.2/2002-9, dated 9.2.2004.

ORDER:

The Central Tobacco Research Institute, Rajahmundry has requested the District Collector, Khammam to enquire the social status of Sri Syamala Rama Raju, S/o Appala Raju employed in their Organisation. The said individual has claimed that he belongs to ST (Koya Community). The matter has been enquired into and a show cause notice was issued, duly taking into consideration of the reports furnished by RDO., Bhadrachalam of Khammam District and the District Collector, E.G.District Sri Syamala Rama Raju had filed his explanation which did not disclose any valid reason or material evidence to consider his claim as belonging to ST (Koya)Community.

2. It is a fact that the appellant is a child of an inter-caste married couple i.e., father belonging to Koya (ST) Community and Mother belonging to OC community. Sri Syamala Rama Raju has ever lived in midst of ST (Koya) community or had continued any relation with the ST Community till date. The marriage of the appellant also took place within the OC Community but not ST (Koya) Community. Thus the existing rule position will not be applicable in this case to confirm the social status of the appellant as ST(Koya).

3. Further, the matter has also been got enquired into by the Director, TCR&TI, Hyderabad who is the competent authority. The matter has been placed before the DLSC., Khammam on verification of ST(Koya) caste certificate held by Sri Syamala Rama Raju.

4. After careful examination of the matter, the District Collector, Khammam has issued orders canceling the fraudulent community certificate of ST(Koya) held by the appellant since there are no valid reasons or merits in the case for consideration in terms of the rule position

explained in GOMS.371, Employment&Social Welfare (B2)

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Department, dt.13.4.76 and Act 16/93 and as per the instructions issued in Circular No.10956/CV.1/ 97-2,dt.16.2.98.

5. Aggrieved by the above orders of the District Collector, Khammam in the reference 1st read above, Sri Syamala Rama Raju S/o Appala Raju, Rajahmundry has filed an appeal petition through his Counsel, Sri B.Bhaskara Rao, Advocate under Section 7(2) of the said Act, 1993 (Act No. 16/93) before the Govt. Govt. in the reference 3rd read above have been requested the Collector, Khammam Dist. to furnish parawise remarks and connected records to Govt. The same has been furnished vide reference 4th read above.

6. This case has been taken on file and posted for personal hearing on 28.3.2003. The counsel for the appellant has attended on 28.3.2003 and requested for adjournment. The case was again posted for hearing on 29.4.2003, 7.6.2003, 19.7.2003. The counsel for the appellant have attended for the hearings on the above dates and requested for adjournments to adduce the additional information. Considering the request of the Counsel the case has posted for next hearing i.e. on 6.12.2003, The petition or the counsel for appellant have not attended for the personal hearing held on 6.12.2003, but one Sri BVSSK Ranjit, Advocate on behalf of the counsel attended and requested for one more adjournment. A last and final chance was given and the case was posted for next hearing on 28.2.2004. Again Sri BVSSK Ranjit, Advocate on behalf of the counsel has attended and requested for one more adjournment. It appears that the appellant and the counsel for the appellant is wontedly avoiding the personal hearings and repeatedly requesting for adjournments.

7. A perusal of the records of the appeal and other material papers reveals that the candidate, and his brothers and two sisters are married with persons of the caste of the mother who belongs to O.C.Reddy Community. The appellant himself has admitted that he was born in 1968 and that he was brought up in Rajahmundry only. The appellant has not maintained any relation or communication with ST Koya people of his native village ever since his birth. The appellant is not following any customs of ST Koya community but the appellant is following the customs of his mother. The children born to the inter-caste married couples can not automatically claim the social status of the parent belonging to Scheduled Tribe, unless the child has been accepted by the Scheduled Tribes, as a member of their community and has been brought up in that surroundings. Each case has to be examined in the light of the circumstances prevalent in that case. In this case, the children of the couple are brought up among Reddy community people at Rajahmundry of East Godavari District.

8. 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 belongs to ST "Koya" Community.

9. Govt. 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 and rules made there under, hereby reject the Appeal Petition filed by Sri Syamala Rama Raju S/o Appala Raju, resident of Rajahmundry of East Godavari District in the reference 2nd read above, up holding the proceedings of the Collector, Khammam District issued in the reference 1st read above.

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10 The records received from the Collector, Khammam District through the reference 4th read above are herewith returned in original to the Collector, Khammam 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 Syamala Rama Raju,
S/o Appala Raju,
H.No. 38-8-10, Pathasala Veedhi,
Krishnarao Peta, Rajahmundry-1,
East Godavari District.

The District Collector,
Khammam District. (WE).

(Original Records bearing No. D3-2493-2000
containing pages CFP. 240 pages and
D.Dis.No.D6/2806/93, dt.20.11.97 containing pages
Cf.124 + Nf. 16 pages only).

Sri B.Bhaskara Rao, Advocate,
201, Royal Residency, H.No. 10-4-34/1,
St.Theresa's High School Lane, Humayun Nagar,
Hyderabad -28.

Copy to: Senior Administrative Officer,
Central Tobacco Research Institute, Rajahmundry-533105
East Godavari District.

The PS to M(TW)/PS to Principal Secretary (TW).
Sf/SC.

//Forwarded::By Order//

SECTION OFFICER