

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD – Appeal Petition filed by Smt.Kalli Satyaveni D/o Dasarathudu, Butchirajupalm of Visakhapatnam Dist. –under Section 7(2) of A.P. (SCs, ST & BCs) Regulation of issue of community certificate Act, 1993 (Act 16 of 1993) against the proceedings of the Collector, East Godavari District dated 15.12.2000 – Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 42

Dated:24 -5-2004

Read the following:

- 1.Proceedings of the Collector, East Godavari Dist. No.Cs/10946/90, dated 15.12.2000.
- 2.Appeal Petition filed by K.Satyaveni, D/o Dasarathudu, APSEB Colony, Budhirajupalem, Visakhapatnam, dated 10.7.2002.
- 3.Govt.Memo No. 10786/CV.2/2001-1, dated 25.5.2001
4. From the Collector, East Godavari Dist., Lr.Ref.C5/1587/2002, dated 22.11.2002.
- 5.Govt.Memo No. 10786/CV.2/2002-3, dated 24.1.2003, 8.4.2003, 23.5.2003, 2.7.2003, 18.8.2003 & 7.11.2003.
- 6.Govt.Memo No. 10786/CV.2/2002, dated 9.2.2004.

ORDER:

The Superintendent of Post Offices, Anakapalli Division, Anakapalli referred the “Konda Kapu” (ST) caste certificate produced by Smt. Kalli Satyaveni, D/o Dasarathudu and requested the Collector, East Godavari to enquire into the social status of Smt.K.Satyaveni, who claimed as Konda Kapu (ST).

2. The matter was referred to the MRO. , Rajavommangi for enquiry and furnish to report. The RDO., Rampachodavaram and the MRO., Rajavommangi enquired in to the matter and submitted their reports.

3. The MRO, Rajavommangi has enquired into the social status of Smt.Kalli Satyaveni, D/o Dasarathudu of Vanchangi village of Rajavommangi Mandal reported that they are not at all residents of Vanchangi village and also recorded from the village elders including Sarpanch during the time of enquiry in which they have stated that the candidate Smt.Kalli Satyaveni and her father are not residents of the Village, local enquiry also revealed that the surname Kalli is not relating to either tribal or non-tribal families residing in Vanchangi village.

4. Hence the MRO., Rajavommangi came to a conclusion that the surname Kalli belongs to Kapu or some other non-tribal caste in the plain area. The individuals are not at all tribes and they are not the residents of Vanchangi Village. They might have given false information to mislead and get the benefits meant for ST and recommended for cancellation of her Caste Certificate. Hence this case placed before DLSC. and issued notice to the individual to prove her caste as Konda Kapu (ST).

5. A copy of the report of MRO., Rajavommangi was supplied to the individual for filing counter. In this case the individual claimed Konda Kapu (ST) status. As per the Hon’ble High Court observations in W.P.No.11051/88 the burden of proof lies on the individual to support her

ST status with documentary evidences. The individual filed documentary evidences before the DLSC. The DLSC. Examined the documentary evidences filed by the individual and the information available on record with MRO's report perused and came to a conclusion that Smt.Kalli Satyaveni and her brother and sister have never resided in Vanchangi Village and they have not applied for caste certificate before the competent

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authority, and the authority has not issued any caste certificates to the individuals. The certificates obtained by the individuals from the various officials and non-officials who are not competent to issue caste certificates as per the existing rules now in force under GOMS.No.58, SW(J) Dept.,dt.12.5.97.

6. Further, though ample opportunity was given to the individual, she has not utilized the opportunity to support her caste claim and also she deposed before the Committee orally that she is the only daughter to her parents. But she has filed her brother and sister's caste certificates obtained from the various officers and non-officials as evidence to support her caste claim. Hence the committee came to a conclusion that Smt.K.Satyaveni and her brother and sister have also obtained the bogus Konda Kapu caste certificate from the authorities who are not competent to issue such certificates and enjoying the tribal benefits. In the present case the individual has filed a number of documentary evidences relating to educational, school records, caste certificates previously obtained from the individuals from the officials and non-officials who are not competent to issue such certificates and that too without making any detailed enquiry about genealogical tree information marital relationships and also without verifying the birth and death extracts of the ancestors, which are not having sanctity and which do not support their caste claim as they do not represent original caste of the individuals. Hence finally DLSC came to conclusion that the individuals belongs to Kapu (OC) and not Konda Kapu(ST) and recommended to Dist.Collector for cancellation of the ST Caste Certificate of the Appellant.

7. Basing on DLSC recommendation, the Dist.Collector, in exercise of powers conferred as per G.O.Ms.No.58, SW (J) Dept.,dt.12.5.97 hereby cancel the bogus Konda Kapu (ST) caste certificates obtained by Smt.Kalli Satyaveni, Ratnakumari, Nageswara Rao and Dasarathudu and their family members and declare their caste as Kapu (OC) but not Konda Kapu (ST) .

8. Aggrieved by the orders of the Collector, East Godavari, the individual has filed appeal before the M(TW). Govt. in Memo dated 18.10.2002 granted stay orders on the above proceedings of the Collector, E.G.Dist. dated 15.12.2000 and called for records & parawise remarks. Accordingly, the Collector, E.G. has furnished the parawise remarks and original records of the case vide reference 4th read above.

9. This case has been taken on filed and posted for personal hearing on 26.2.2003. The Counsel for the appellant has appeared and requested for adjournment. The case has been posted for next hearing on 28.4.2003, the petitioner or the counsel for appellant have not attended. Again the case posted for next hearing on 6.6.2003, 18.7.2003, 19.9.2003 and 5.12.2003. The Counsel for the appellant have appeared on 5.12.2003 and requested for one more adjournment. Considered the request and given last and final chance and posted for next hearing on 27.2.2004. The petitioner

or the counsel for the appellant have not attended for the personal hearing. They are repeatedly requesting for adjournments and wontedly avoiding the personal hearings. Sufficient time has been given to the petitioner, she has not filed any documentary evidence in support of her claim.

10. On perusal of the records of the appeal and other material papers it is observed that she could not furnish any valid recorded evidence. She has not filed any documentary evidence about her genealogical tree information, marial relationships, Birth and Death Extracts of the Ancestors and their place of Birth in support of her social status claim

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11. Based on the above facts it is concluded that the petitioner is not entitled to be as ST Konda Kapu caste and she is also not entitled to the benefits meant for ST candidates.

12. Govt. after careful examination of the above facts and in exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs and BCs) Regulation of issue of community certificates Act, 16 of 1993 and rules made there under, hereby reject the appeal petition filed by Smt. K.Satyaveni D/o Dasarathudu, Buchirejupalem, Visakhapatnam in the reference 2nd read above, up holding the proceedings of the Collector, East Godavari District issued in the reference 1st read above, and the stay granted to the appellant is hereby vacated.

13. The records received from the Collector, East Godavari District through the reference 4th 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 PRDESH)

M.CHAYA RATAN,
PRINCIPAL SECRETARY TO GOVT.

To

The Collector & Dist.Magistrate,
East Godavari District (WE)

(Original records bearing No.R.Dis.C5/10946/90,dt.31.12.2000
containing pages CF 245 + 18 NF) is returned herewith.

Smt. Kalli Satyaveni D/o Sri Dasarathudu,

R/o D.No.5-8-20/13,

APSEB Colony, Buchirajupalem,

Visakhapatnam District.

Mr. M.Sai Murali Krishna, Advocate,

Flat No. 101, Krishna Teja Residence,

Durgabai Deshmukh colony,

Bagh Amber pet,

Hyderabad.

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

Sf./Sc.

//Forwarded::By Order//

SECTION OFFICER