

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD. - Appeal Petition filed by Sri Pathiwada Venkata Ramana and Kum. P.Pavani D/o P.V.Ramana, P&T Colony Quarters, Chikkadapalli, Hyderabad -under section 7(2) 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, Hyderabad, dt.28.2.2001 – Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No. 46

Dated:26-5-2004
Read the following:

1. Proceedings of the Collector, Hyderabad No.D5/6805/2000, dt.28.2.2001
2. Appeal Petition filed by Sri P.V.Ramana, Employee in Postel Dept. and P.Pavani D/o P.V. Ramana, before M(TW), dated 10.4.2001.
3. Govt.Memo No. 6234/CV.2/2001-1, dated 21.4.2001.
4. From the Collector, Hyderabad Lr.No. D5/6805/2000, dated 29.5.2001.
5. Govt.Memo No. 6234/CV.2/2001-5, dt. 13.6.2002, 15.7.2002, 27.8.2002, 18.10.2002, 9.12.2002, 24.1.2003, 8.4.2003, 20.5.2003,2.7.2003, 30.8.2003 &7.11.2003.
6. Govt.Memo No. 6234/CV.2/2001-15, dated 9.2.2004.

ORDER:

One Kumari Pathiwada Pavani D/o Pathiwada Venkata Ramana has come up for selection for admission to B.E./B.Tech courses under S.T.quota. Her merit rank is 97132. She came along with her father attended counseling on 28.9.2000 and produced her Caste Certificate to the effect, that she belong to Konda Kapu community, which comes under S.T. At the time of admission into B.E./B.Tech courses on 28.9.2000, the candidate in question produced the Caste Certificate/attested copy of Caste Certificate issued by RDO, Hyderabad, Nampally, dated 6.5.2000. It was permanent caste certificate. The surname Pathiwada of the applicant is very uncommon among Konda Kapus, STs. Since the Caste certificate issued by RDO, Hyderabad (Nampally) was not in order, the candidate was served with Memo Rc.No.816/20/TRI/VC-2, dated 28.9.2000, to see the Director, TCR &TI, Hyderabad, with oral and documentary evidences, along with elder member of her family. In pursuance of the above said Memo, Sri Pathiwada Venkata Ramana and his daughter Pathiwada Pavani have attended on 10.10.2000 and furnished oral and documentary evidences in support of their claim as Konda Kapu..

2) On verification of social status by Director, TCR &TI, Hyderabad it was found that Sri Pathiwada Venkataramana father of Kum.Pathiwada Pavani had persued his Elementary education in MPGUP School, Veeragattam of Palakonda, Vizianagaram District and he had joined in 1st class on 10th of March, 1950 studied there and left the School in 1954. Wherein his caste was recorded as Kapu, and all School records, Date of Birth Rgisters of Grampanchayat Office of Veeragattam (V), reveals that Sri P.V.Ramana and his daughter P.Pavani belongs to Kapu (OC) Caste.

3) In view of the above said incriminating and impeachable documentary evidence the Joint Collector, Hyderabad issued a notice to Sri Pathiwada Venkata Ramana F/o Pathiwada Pavani to appear before him on 14.2.2001 with all the Original Records pertaining to his Caste. But he failed to appear before Joint Collector, Hyderabad and submitted a reply dt.14.2.2001 stating that he was not aware of the report furnished by the Commissioner of Tribal Welfare Lr.No.816/31/ 2000/TRI/VC2, dated 22.11.2000. Further he stated that he is working in Postal Department and regarding his caste status there were number of enquiries made from time to time and it was concluded that he belongs to ST community. His department accepted him as ST candidate and acted upon that and treated him as ST candidate till date. His reply is not convincing on the certificate obtained by him and his children and are liable to be cancelled.

4) Based on the above enquiry report of Commissioner of Tribal Welfare., dt.22.11.2000 and based on the all other material papers, and the original caste as recorded in his School Register in 1939 and the Gram Panchayat Birth Registrar, which was recorded as belonging to Kapu Caste and in exercise of the powers conferred U/S 5(1) of AP (SC, ST and BCs) Act 16 of 1993 the ST Konda Kapu Caste Certificate issued by Tahsildar Palkonda to Pathiwada Venkata Ramana S/o Jagannadham & RDO, Hyderabad dt.6.5.2000 to Kum.Pathiwada Pavani D/o P.Venkata Ramana and to his family members were cancelled vide proceedings dt.28.2.2001.

5) Aggrieved by the orders of the Collector, Hyderabad, the individuals have filed appeal petition under Section 7(2) of Act No. 16 of 1993 before the Govt. Govt in the reference 3rd read above granted Stay orders on the Proceedings of the Collector, Hyderabad and requested to furnish parawise remarks and records on the Appeal Petition filed by the appellants. Accordingly the same have been furnished by the Collector, Hyderabad vide reference 4th read above.

6) This case has been taken on file and posted personal hearing for 2.7.2002. The petitioner P.V.Ramana has appeared and requested for adjournment. Next hearing was posted for 2.8.2002 and 16.9.2002. The petitioner has appeared and requested for adjournment. The case was again posted for next hearing on 2.11.2002 and 30.12.2002, the petitioner or the counsel for the appellant have not attended. Govt. they have given last chance to the appellants and posted for personal hearing for 26.2.2003. The petitioner has appeared for the hearing and requested for one more adjournment by stating that the matter is pending with Hon'ble High Court of A.P. He was given last and final chance and next hearing was posted for 28.4.2003. The petitioner have not attended, but sent a Telegram for adjournment. The case was again posted for next hearings on 6.6.2003, 18.7.2003, 19.9.2003, 5.12.2003. The petitioners or the counsel for the appellant have not attended on those days but sent a letter for adjournment. The Petitioner P.V. Ramana have appeared for the personal hearing held on 28.2.2004 and again requested for adjournment. The petitioners deliberately avoided the personal hearings and repeatedly requesting for adjournments for the last one and half year.

7) A perusal of the records of the appellant and other material papers reveals that the P.Venkata Ramana and his daughter P.Pavani belong to Kapu Caste, but not Konda Kapu "ST". since her father, Grand father, father's brothers, great grand father and paternal cousins etc. also belong to Kapu (OC) community. Though the appellants have been given reasonable time, they have also not produced any documentary evidence in support of their social status claim.

8) Based on the above said facts it is concluded that the appellants cannot be treated as a members of Konda Kapu Scheduled Tribe caste and she can not be continued in B.E/B.Tech course in reserved seat for ST Students.

9) Govt. in exercise of the powers conferred under Section 7(2) of A.P. (SCs, STs & BCs) Regulation of issue of community certificates Act 16 of 1993 and rules made there under, here by reject the appeal petition filed by Sri Pathiwada Venkata Ramana and his daughter Pathiwada Pavani R/o Hyderabad in the reference 2nd read above, upholding the Proceedings of the Collector, Hyderabad issued in the reference 1st read above, and the Stay granted to the appellants is hereby vacated.

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

M.CHAYA RATAN,
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Collector & Dist. Magistrate,
Hyderabad.

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Sri Pathiwada Venkata Ramana &
Kum. Pathiwada Pavani,
H.No.E6 P&T Colony Quarters,
Chikkadapalli, Hyderabad 500020.
The Senior Superintendent of Post Offices,
Secunderabad Division,
Hyderabad 500016
(with a request to serve the individual copy and
send ack. to Govt.)

Copy to:

The PS to M(TW)/PS to Prl.Secretary (TW)
The Director, TCR &TI., Hyderabad (for information)
Sf.Sc.

//Forwarded::By Order//

SECTION OFFICER