

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TWD – Appeal Petition filed by Kum.Gajjela Subhadravathi D/o Late Durga Rao, Occ.Teacher, R/o Ragappagudem(V), Buttaigudem (M), West Godavari District, under Section 7(2) of Act 16 of 1993 - against the orders of Collector, West Godavari Dist. dt. 29.1.2003 – Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.54

Dated:18 -6-2004

Read the following:

- 1.Proceedings of the Collector, West Godavari Dist. Roc .No. 3851/2002 (C3), dated 29.1.2003.
- 2.Appeal Petition filed by Kum.Gajjela Subhadravathi D/o Late Durga Rao, Occ:Teacher, R/o Ragappagudem (V), Buttaigudem(M), dt.11.3.2003.
- 3.Govt.Memo No. 4341/CV.2/2003-1, dated 7.4.2003.
- 4.Additional appeal petition filed by G.Subhadravathi, W.G.Dist. dated 29.3.2003.
- 5.Govt.Memo No. 4341/CV.2/2003-2, dated 6.5.2003.
- 6.From the Collector, West Godavari Lr. Roc C3/3567/2003, dt. 7.6.2003.
- 7.Govt.Memo No. 4341/CV.2/2002-3, dt.13.8.2003, 3.9.2003,& 7.11.2003.
- 8.Govt.Memo No. 4341/CV.2/2002-6, dt.9.2.2004.

ORDER:

The Commissioner of Tribal Welfare, A.P. Hyderabad has informed that as per the request of the project officer, ITDA., K.R.Puram, the department has conducted detailed enquiries into the ST.status claim of Kum.G.Subhadravathi, and the enquiry revealed that Kum.G.Subhadravathi does not belong to Konda Reddy as claimed by her, but she belongs to Periki community and while enclosing the copy of the enquiry report, the Commissioner has finally requested the Collector to place the issue before the District Level Scrutiny Committee and take necessary action as per rules.

2) As per the provisions laid down in Andhra Pradesh SC,ST &BC Regulation of issue of Community Certificates Act, 1993, Form-V Notice was issued on 10.6.2002 to Kum.Gajjela Subhadravathi, to appear before the DLSC on 24.6.2002 and a copy of the Enquiry Report received from the Commissioner of Tribal Welfare ., Hyderabad has also been sent by register post with acknowledgement due for information of the candidate. Kum.Gajjela Subhadravathi has attended before the DLSC. on 24.6.2002, and presented a petition before the Committee stating she was appointed as the G.V.V.K.Teacher of Ragappagudem village by the Project Officer, ITDA., K.R.Puram,Vide Roc.T.338/2001, dated 28.7.2001, and she joined duty on 22.12.2000. She has stated that later on, certain persons have complained to the P.O., ITDA., K.R.Puram about her caste, and the Project Officer has instructed the MRO, Buttaigudem to enquire about her caste. She has further stated that the Revenue Inspector and the VAO have conducted enquiry about Sri Gajjela Kannaiah, at Ramannagudem (v), and they did not conduct detailed enquiry about their ancestors, they have reported that Sri Kannaiah belongs to Perika community and she requested the Revenue Inspector and VAO to conduct enquiry about the family of Kannaiah, but they did not conduct the enquiry, and un justice was done to her, due to insufficient enquiry.

3) Kum G.Subhadravathi has stated that she and Kanna Rao, the off spring of Sri Gajjela Durga Rao belongs to Konda Reddi Caste, that G.Kannaiah is the father of G.Durga Rao, and his wife is

Kachela Bullemma, who is the resident of Chintalagudem (v) in Mangaihpalem Grama Panchayat and she belongs to Konda Reddi community. She has stated that she and her brother

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Kanna Rao and their father Durga Rao were brought up at Chintalagudem (v), and that the enquiry was not conducted at Chintalagudem (v), where they were brought up. Kum.G. Subhadravathi has also stated that the Officer from Hyderabad, instead of conducting enquiry about G.Kannaiah, G.Bullemma, Durga Rao, conducted enquiry about her mother Pinisetty Manemma, at Ramannagudem (v). She has stated that she and her mother requested the officer to conduct enquiry at Chintalagudem (v), but he did not do so. Kum.G. Subhadravathi, has further stated that Gajjela Kannaiah is the son of Smt.G.Bhadramma, and she is resident of Lanakalapalli (V) in Seethappagudem Grama Panchayat, a Tribal village, and there is a house site in the name of Bhadramma, at Lankalapalli, as on the day also, and if enquiry is conducted once again, the facts will be revealed and that Bhadramma resided at Lankalapalli till her death. Her son and villagers conducted cremation at Lankalapalli (v) that Bhadramma and her son Kannaiah, lived there in the village through a profession of selling dry fish. As Kannaiah, got family relations with Bullema, they lived there for some time, and as the family members of Bullemma did not agree to the relations with Kannaiah, they quarreled and came over to Ramannagudem village, a village of perika community, and lived there, therefore, Kannaiah was not born to Perika community people and he did not belong to Perika community. As Bhadramma, who happened to know the father of Kannaiah, viz., Lakshmaiah, died, his details could not be known, and therefore requested to conduct enquiry and do justice.

4) The Mandal Revenue Officer, Buttaigudem in his letter addressed to Project Officer, ITDA., KR.Puram has stated that in view of the depositions given by the elders of Chintalagudem (v), and records available, including the old caste certificate, issued by his predecessor, and the voter list, Transfer Certificate of the children, and in the light of Govt. Lr.No.3937/73/SCT/1, dt.4.3.1975, he is convinced that the caste of Gajjela Subhadravathi and Kanna Rao is Konda Reddi and they shall be treated as tribal and may be extended the benefits to them on par with other tribal groups in the agency tracks of Buttaigudem(M).

5) The case was posted for hearing on 8.7.2002 and 22.7.2002 and Sri K.Ganga Raju, filed Vakalat on 22.7.2002, on behalf of Kum.G. Subhadravathi, and filed written explanation on Kum. G.Subhadravathi on that day. The case was adjourned to 26.8.2002, for arguments, on which Sri K.Ganga Raju, Advocate has presented his arguments before the DLSC. The Advocate, while presenting arguments has stated that the enquiry was made at Ramannagudem, but not at Chintalagudem, that the MRO., Buttaigudem has stated that the candidate belongs to Konda Reddy community. He has also stated that the Director, TRI, Hyderabad has not made enquiry at Chintalagudem, the report of Director, TRI. and the details of G.O.Ms.No.371 are not given in where in it is ordered that the lower caste of either of the parents can be given to the offspring of the parents, that the evidence given in the court clearly states that the respondent belong to ST community.

6) As seen from the representation of Kum.G.Subhadravathi, as well the witnesses produced by the Counsel for the respondent, and the report given by the Director, TRI, Hyderabad, the statement given by Smt.Gajjela Manemma, it is understood that; one Gajjela Bhadramma, was a resident of Chintalagudem (V), that she had a son by name Gajjela Kannaiah, and they were Periki by community, they used to sell dry fish in the village, which is not a tribal profession, that while Gajjela Kannaiah, grew, he got relations with a tribal woman by name Kachela Bullemma, who belongs to Konda Reddi community. As the family members of the woman, have not accepted the illegal connections with Kannaiah, and as it is not acceptable to the villagers, both Gajjela Kannaiah and Kachela Bullemma went away to another village namely Ramannagudem, predominantly inhabited by perika community people, perhaps with a doubt that the villagers of Chintalagudem might do

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harm to them, for their illegal connection. They got one son by name Gajjela Durga Rao, and after he was grown, he married a lady by name Pinisetty Manemma, a Periki girl from Eluru Town. They got one daughter by name Gajjela Subhadravathi and one boy viz., Gajjela Kanna Rao.

7) Kum.Gajjela Subhadravathi tried to convince the District Level Scrutiny Committee, that as they are offspring of Sri Gajjela Durga Rao, who's mother is Kachela Bullemma, a Konda Reddy lady, she has to be treated as Konda Reddi community. The District Level Scrutiny Committee has seen the Photostat copies of Caste Certificate, filed by the respondent, and issued by the MRO, Buttaigudem on 4.7.1991 and on 28.6.1999 established that Kum.G.Subhadravathi and her father Gajjela Durga Rao, resided at Ramannagudem (v) of Buttaigudem (M), but not at Chintalagudem (v).

8) In circular Memo No.10956/CV.1/97-2, dt.16.2.1998, instructions for treating the children of Inter-caste marriages, it is clarified that the G.O.Ms.No.371, Social Welfare Department, dt.13.4.1976, laid down the norms required to be followed while issuing community certificates to the children born to the inter-caste married couples. And these instructions are reiterated with a modification that the off-spring of such couples cannot automatically claim the social status of the parent belonging to S.T. but the competent authority must satisfy himself that the child has been accepted by the ST as member of their community and has been brought up in that surroundings. However it has been clarified that each case has to be examined in the light of circumstances prevail in that case and final decision has to taken thereof accordingly. In this case, the children of the couple are brought up among Periki Community people at Ramannagudem (v).

9) In view of the above, the DLSC. recommended that Kum.Gajjela Subhadravathi and her brother Gajjela Kanna Rao should be treated as Periki Community people, and the caste certificates issued previously, if any will apply to derive benefits in school or College Education only, but not for service purpose.

10) Basing on the recommendation of DLSC. , notices were issued to G.Subhadravathi and G.Kannarao, Ramannagudem for personal hearing . Kum.G.Subhadravathi has filed representation stating that she belongs to Konda Reddy community and requested to set aside the minutes of the DLSC. and no further useful evidence was produced by her before Collector, to defend her case. Regarding other candidate i.e.,Sri G.Kanna Rao, did not filed any representation in response to his notice. Therefore, it is concluded that the recommendations made by the DLSC. are agreed in full and issued the orders vide proceedings dt. 29.1.2003.

11) Aggrieved by the orders of Collector, West Godavari, dt 29.1.2003, the individual has filed appeal petition before the Govt. u/S 7(2) of Act 16 of 1993 through her Advocate M/s V.Venugopala Rao against canceling her bogus Konda Reddy (ST) caste certificate. Govt. in Memo dated . 6.5.2003 has granted Stay orders on the operation of the Collector, West Godavari Dist. and requested the Collector, West Godavari to furnish Original records & parawise remarks. Accordingly, the same has been furnished by the Collector, West Godavari vide reference 6th read above.

12) The case has been taken on file for personal hearing on 23.8.2003. The Petitioner has attended but hearing could not take place and posted for next personal hearing on 20.9.2003, 6.12.2003. The Petitioner and her counsel for the appellatant have appeared for personal hearing and made their arguments and produced additional information of certified Extract of Birth and Deaths for the year 1999 of Ragappagudem (V). Again posted for final hearing on 27.2.2004. The petitioner has appeared and made her arguments. Heard the appellatant.

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13) On the perusal of the records of the appeal, it is clear, the additional information produced by the petitioner and other material papers have revealed that the paternal grand father of the petitioner Sri Gajjela Kannayya belongs to "Perika"(BC) caste and paternal grand mother Smt.Kancherla Bullemma who is concubine of Gajjela Kannayya belongs to Konda Reddy (ST) community. Sri Gajjela Durga Rao father of the appellent is the off spiring of non-tribal father and tribal mother. The mother of the appellent Manemma belongs to Perika (BC) community, and additional information adduced by the appellent, Death extract of her father of Sri G.Durga Rao S/o Kannayya the caste of the appellent or her ancestors is not mentioned in the Birth and Death Extracts of 1999.

14) The petitioner has given reasonable opportunity to produce evidence in support of her social status claim, but she failed to produce any documentary evidence in support of her (ST) Konda Reddy Caste. No substantial recorded proof is available to establish her social status claim.

15) From the above said facts, it is decided that the petitioner is not entitled to be treated as Konda Reddy (ST) community, and also she is not entitled to the benefits meant for ST candidates.

16) Govt. after careful examination of the above facts and in exercise of the powers conferred under Section 7(2) of A.P. (SC, ST & 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 Gajjela Subhadravathi D/o G.Durga Rao, Ragappagudem(V),West Godavari Dist. in the reference 2nd read above, up holding the proceedings of the Collector, West Godavari District issued in the reference 1st read above, and the Stay granted on the operation of the proceedings of Collector, West Godavari vide reference 5th read above is hereby vacated.

17) The records received from the Collector, West Godavari District through the reference 6th read above, are herewith returned in original to the Collector, West 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.(TW)

To
The Collector & Dist.Magistrate,
West Godavari District. (WE) (Original record file bearing
R.Dis.C3/3851/2002, dated 29.1.2003 containing pages
CF 204 and NF 12 are returned herewith.)
Kum. Gaggela Subhadravathi D/o Late Durga Rao,
Occ.Teacher, R/o Ragappagudem (V), Buttaigudem(M),
West Godavari District.
M/s V.Venugopala Rao, Advocate,
F-7, B-17, MIG.II, Near Saibaba Temple,
Bagh Lingampally, Hyderabad.
Copy to: PS to M(TW) /PS to Prl.Secretary(TW)
The Director, Tribal Welfare, A.P.Hyderabad.
Sf. /SC.

//Forwarded::By Order//

SECTION OFFICER