

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

TRIBAL WELFARE DEPARTMENT – Appeal Petition filed by Dr.Chintala Yadagiri & Chintala Nahru, Quthbullapur, Ranga Reddy District. Under Section 5 of A.P.(SCs, STs & BCs)Regulation of Issue of Community Certificate Act 16 of 1993 against the Proceedings of the Collector, Ranga Reddy District dated 22.11.2002 –Rejected – Orders – Issued.

SOCIAL WELFARE (CV.2) DEPARTMENT

G.O.Ms.No.7

Dated: 20-1-2004

Read the following:

- 1) Proceedings of the Collector, Ranga Reddy Dist. Proceedings No.C2/4324/2001, dated 22.11.2002.
- 2) Appeal petition filed by Dr. Chintala Yadagiri and Chintala Nehru, Quthubullapur, R.R.District Dated 14.2.2003 through their counsel , Sri CH.Ramesh Babu, Advocate.
- 3) Govt.Memo No.3502/CV.2/2003-1, dated 7.4.2003.
- 4) From the Collector, Ranga Reddy District Lr.No.C2/4324/2001, dated 20.11.2003.

ORDER:

The Commissioner of Tribal Welfare, Hyderabad has informed that Sri Chintala Nehru has applied for admission into Polytechnic Course under reserved for STs Quota for the year 2001-02. At the time of admission into Polytechnic Course, the Officers of Tribal Welfare Department, have expressed doubt about Community of Sri Chintala Nehru and referred the matter to the Collector, Ranga Reddy District for enquiry and taking action as per the provisions of A.P.(SCs, STs & BCs)Regulation of Issue of Community Certificates Act 1993 (Act No.16 of 1993). Accordingly, the matter has been referred to the Chairman, District Level Scrutiny Committee under rule 8 of A.P.(SCs, STs & BCs) Regulation of Issue of Certificates Rules, to enquire into the case and to furnish its findings, to the Collector concerned.

2. The DLSC., Ranga Reddy has taken up the enquiry by issuing a notice to the individual to attend for the enquiry on 4.8.2001 before DLSC., with all documentary evidence in support of his community claim and the case has been adjourned to 8.8.2001. On 8.8.2001 the individual, Sri. Ch Nehru along with his father, Dr.Yadagiri have attended for enquiry before DLSC. and requested time for submitting the documents, and the case has been postponed from time to time. Finally, the candidate along with his father through his counsel have appeared for the personal hearing on 12.11.2001 and filed some documents.

3. The DLSC. have recorded the statement of candidate's father and two others Viz., Sarvasri Sri Murranbabu, and Ch.Sree Rama Murthy, who have attended on behalf of the candidate. The father of the candidate has deposed that his grand father, Sri Chittadi Ramaiah was a native of Cherla Village and Mandal, Khammam District, who has migrated to Kama Reddy Village, Nizamabad District about 60 years back. His father belongs "Lingadhari Koya" and his mother Smt.

::2::

Sadula Pentamma belongs to “Gosangi” under SC community. Further, it is confessed that he is having one brother, Sri Rajalingam and four sisters. He got married with Smt Laxmi devi, who belongs to “Beda Budga Jangam Caste” which comes under SC. category. His brother & sisters got married with SC community people. The other persons viz., Sri Murranbabu who has attended on behalf of the candidate before the DLSC. has confessed that his grand fathers were residing at Cherla (V) of Khammam District, and subsequently migrated to Koya Narsapuram, that he is not having any blood relation with Dr.Yadagiri (Father of the candidate) and that his grand parent told him that their family have marital relation with them. Presently, with surname, ‘Chittadi’, there are some families in Peda Musileru and China Musileru. The matter has been examined with reference to the report of Commissioner of Tribal Welfare and statements of the candidates father and other persons deposed on his behalf and other material papers filed. Dr.Chintala Yadagiri, father of the candidate, Ch.Nehru has stated that his father belongs “Lingadhri Koya tribe and his mother belongs S.C. and originally their family hails from Cherala village and Mandal of Khammam District. But no substantial recorded proof is available to establish the Community of the grand father of the candidate. The father of the candidate, Dr.Yadagiri and his brother Sri Rajalingam have got married with Smt.Laxmi Devi and Shyamla belongs to Budga Jangam Castes, which comes under SC. category. The four sisters of Sri Chintala Yadagiri have got married with persons belonging to “Budga Jangam SC” Castes . None of the Candidate’s family possess ST “Longadhari Koya” Certificates except the candidate’s father and brother. The candidate has obtained ST Lingadhari Koya Certificate from the MRO, Quthubullapur on 2.2.98 on the strength of his father’s certificate.

4. In view of the circumstances explained above, the DLSC. have discussed the issue with the above facts and material and depositions in the case. It has been established that the community certificates obtained by Sri C.Nehru S/o Dr.Chintala Yadagiri seeking admission into Polytechnic course are fraudulent and deserve cancellation on the following grounds:

1. neither the candidate nor his father has furnished the School records & Birth registration certificate,
2. The “Lingadhri Koya” tribe is not prevalent in Ranga Reddy Dist.;
3. None of their relatives are living in Khammam at present and are living in and around Ranga Reddy & Nizamabad Districts.
4. All the marital relations are taking place among the relatives belongs to SC and living in RR.Dist. and Nizamabad only. The family members of Sri Chittadi / Chintala since three generation have in variably married from SC only leaving any trace of Lingadhri Koya ST Community; and
5. None of his relatives possess ST Lingadhari Koya tribe certificates. Only the candidate’s father and his brother have obtained the community certificate during 1998.

5) The findings of the DLSC have been communicated to the certificate holders by issuing show cause notice on 25.2.2002 as per the observations made by the Hon’ble High Court of A.P.in its judgment dt.17.1.2001 in W.P.No. 19577/2000 in order to give a final opportunity

::3::

for making representation with documentary evidence if any available in support of their community claim with reference to their ancestors. In reply to show cause notice,

Dr.Ch.Yadagiri & Sri Nehru seeking admission into polytechnic course, has filed appeal petitions against the findings of the DLSC. before the Collector concerned. In their appeal petitions the certificate holders have denied all the grounds recommended by the DLSC for cancellation of their Caste Certificates.

6. Having gone through the file and perusing the documents submitted during the enquiry and perusal of the report of the Tribal Welfare Dept., further final notice has been issued to all the concerned to appear before the Collector, Ranga Reddy District as personal appearance on 19.6.2002 and heard the matter. The Collector, R.R.Dist. after satisfying with the findings of the DLSC., Ranga Reddy District, has opined that Dr.Yadagiri S/o Sri Mallaiah and his son, Sri Ch.Nehru R/o Chintal, Quthubullapur do not belong to “Lingadhari Koya” (ST) and orders have been issued in the proceedings 1st read above, canceling their ST Caste Certificates.

7. Aggrieved by the orders of the Collector, R.R.Dist. in the reference 1st read above Dr. Chintala Yadagiri and Sri Chintala Nehru, Quthubullapur, R.R.Dist. have filed an appeal petition through their Counsel, Sri CH.Ramesh Babu, Advocate under Section 7(2) of the said Act (Act No.16/93) before the Government against the cancellation of “Lingadhari Koya” ST Caste Certificate dt.2.2.98 obtained from the then MRO, Qutubullapur, and declaration that they belong to “Budaga Jangam” SC Community. The Appeal Petition filed by Dr.C.Yadagiri & Sri Nehru in the reference 2nd read above has been taken on file and granted stay of the operation of the proceedings 1st read above, in the reference 2nd read above.

8. The case has been posted for personal hearing on 15.12.2003. The Petitioner has appeared and requested for adjournment. The Government have taken up for further personal hearing on 18.12.2003. The appellant, Dr.Ch.Yadagiri and his Counsel have appeared on 18.12.2003 to adduce their evidence in support of their claim that they belong to ST “Lingadhari Koya”. The Counsel for the appellant have argued the case and filed some information. The appellant have not furnished any valid or considerable recorded evidence in support of their claim. No substantial recorded proof is available to establish the community of the grand-father of the appellant and they have failed to furnish the Birth Registration Certificates though they are educated. The origin of the appellants is Charla (V) of Khamam District. As per G.O.Ms.No.289, dated 28.11.1996 the competent authority to issue community certificate is the native MRO/Sub-Collector/ RDO under whose jurisdiction the nativity falls. In G.O.Ms.No. 138, dated 29.5.1991, the authority competent to issue certificates to Lingadhari Koya and the powers are given to only the Officer not below the rank of RDO/Sub-Collector/ Collector of the District in whose jurisdiction the community seeks claim nativity. The MRO, Qutubullapur(M) is not competent to give caste certificate to Sri Ch.Nehru as the native place of the candidate’s father, grand-father and fore father, is out side his jurisdiction. The Counsel for the appellant made his argument and

::4::

adduced some information is not a determining value but it is only a persuvative value.

9. After hearing the appellants through their Counsel and perusing the available records and material papers filed by their Counsel and as per the genealogy of Sri Chittadi

Ramaiah and family Members, Govt. have opined that Dr.Ch.Yadagiri S/o Sri Mallaiah and his son, Sri Ch.Nehru, resident of Chintal, Qutubullapur(M), Ranga Reddy District belongs to “ Budaga Jangam” caste, which comes under Scheduled Caste category but not Linghadhari Koya under (ST) community and hold that the appellants are not entitled to be treated as ‘Linghadhari Koya’ ST.

10. Government, after careful examination of the above facts and material paper available on record and in exercise of the powers conferred under Section 7(2) of AP.(SCs, STs & BCs) Regulation of Issue of Community Certificates Act, 1993 (Act No 16 of 1993) and rules issued there under, hereby reject the Appeal Petition filed by Dr.Ch.Yadagiri S/o Mallaiah and his son, Sri Ch.Nehru, resident of Chintal, Qutubullapur(M), Ranga Reddy District in the reference 2nd read above, up holding the Proceedings of the Collector, Ranga Reddy District issued in the reference 1st read above, and vacate the Stay granted to the individual in the reference 3rd read above.

11. The records received from the Collector, Ranga Reddy District through the reference fourth read above returned are herewith in original to the Collector, Ranga Reddy 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

The Dr. Chintala Yadagiri S/o Sri Mallaiah
and Sri Chintala Nehru S/o Yadagiri,
R/o6-229, Vaninagar Colony,
Chintal, Qutubullapur (M),
Ranga Reddy District.
The District collector,
Ranga Reddy District (WE)
(Original Records bearing No.C2/4324/2001 containing
CF from PP.1-254 and NF PP. 1-12)
Sri CH. Ramesh Babu, Advocate,
Chambers 401, IV Floor,
Tirumala Towers, Judges Colony,
Malakpet, Hyderabad. 500036
Copy to: PS to M(TW)/ Prl.Secy(TW).

//Forwarded::By Order//

SECTION OFFICER