

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION NO.19409 OF 2009

Between:

Atlapakala Rama Krishna

... Petitioner (s)

Versus

Government of Andhra Pradesh Social Welfare
And two (02) others

...Respondents

* * * * *

DATE OF JUDGMENT PRONOUNCED : 08.01.2026

SUBMITTED FOR APPROVAL:

HONOURABLE SRI JUSTICE K. SREENIVASA REDDY

1. Whether Reporters of Local Newspapers
may be allowed to see the Order? Yes/No
2. Whether the copy of Order may be
marked to Law Reporters/Journals? Yes/No
3. Whether His Lordship wish to see the
fair copy of the Order? Yes/No

JUSTICE K.SREENIVASA REDDY

*** HONOURABLE SRI JUSTICE K.SREENIVASA REDDY**

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! Counsel for the Petitioner(s) : Sri G.Chandra Shekhar Rao

^ Counsel for the Respondent : GP for Social Welfare (AP)

< Gist:

> Head Note:

? Cases referred:

1. **2015 (2) ALT 547.**
2. **2010 (3) ALT 663 (D.B.)**
3. **2001 (3) ALT 508.**
4. **2018 (1) HLT 195.**
5. **(2005) 12 Supreme Court Cases 248.**

This Court made the following:

Date on which Order was reserved : 17.12.2025
 Date on which Order was pronounced : 08.01.2026
 Date on which Order was uploaded on the website of the High Court : 08.01.2026

APHC010079012009



**IN THE HIGH COURT OF ANDHRA PRADESH
 AT AMARAVATI
 (Special Original Jurisdiction)**

[3327]

THURSDAY, THE EIGHTH DAY OF JANUARY
 TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 19409/2009

Between:

1.ATLAPAKALA RAMA KRISHNA, RAJAVAMANGI [M],
 E.G.DIST., S/O. LATE SRI BENNA SWAMY R/O. LAGARAI
 VILLAGE, RAJAVAMANGI MANDAL, EAST GODAVARI
 DISTRICT.

...PETITIONER

A N D

- 1.GOV'T OF A P SOCIAL WELFARE DEPT HYD , REP. BY
 ITS PRL. SECRETARY TO GOVERNMENT SOCIAL
 WELFARE (CV.2) DEPARTMENT, A.P. SECRETARIAT,
 HYDERABAD.
- 2.THE DISTRICT COLLECTOR, EAST GODAVARI AT
 KAKINADA.
- 3.THE JOINT COLLECTOR AND, CHAIRMAN, DISTRICT
 LEVEL SCRUTINY COMMITTEE OFFICE OF THE
 DISTRICT COLLECTOR, EAST GODAVARI DISTRICT AT
 KAKINADA.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 1st respondent in G.O. Ms.No. 69 Social Welfare (CV.2) Department dated 19-06-2009 confirming the order of the 2nd respondent in Roc. No. C5(M)/1268/2001 dated 15-09-2005

as highly illegal, arbitrary, unjust, void, contrary to Section 5 of the A.P. (SCs., STs., & BCs.) Regulation of issue of Community Certificates Act 1993 and Rules 8 & 9 of the A.P. (SCs., STs., & BCs.) issue of Community Nativity and Date of Birth Certificates Rules, 1997 and against the Principles of Natural Justice and opposed to the Articles 14 and 21 of the Constitution of India.

IA NO: 1 OF 2009(WPMP 25349 OF 2009

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased suspend the operation of the order of the 1st respondent in G.O. Ms.No. 69 Social Welfare (CV.2) Department dated 19-06-2009 confirming the order of the 2nd respondent in Roc. No. C5(M)/1268/2001 dated 15-09-2005 as pending disposal of the above writ petition.

IA NO: 1 OF 2010(WVMP 667 OF 2010

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim orders dated 14.9.2009 passed in WPMP.No.25349 of 2009 in WP.No.19409 of 2009 and pass

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the present writ petitioner to reconstitute the entire record and pass

Counsel for the Petitioner:

1.G CHANDRA SHAKHAR RAO

Counsel for the Respondent(S):

1.GP FOR SOCIAL WELFARE (AP)

The Court made the following:

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 19409 OF 2009

ORDER:

This Writ Petition was filed seeking the following relief:

“to issue a Writ or order of direction more particularly one in the nature of Writ of Mandamus declaring the order of 1st respondent in G.O.Ms.No.69, Social Welfare (CV.2) Department, dated 19.06.2009 confirming the order of 2nd respondent in Roc.No.C5(M)/1268/2001, dated 15.09.2005 as highly illegal, arbitrary, unjust, void, contrary to Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and Rules 8 and 9 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community Nativity and Date of Birth Certificates Rules, 1997 and against the principles of natural justice and Articles 14 and 21 of the Constitution of India and pass such other order or orders ...’

2. Contents of the affidavit filed by Writ Petitioner, in brief, are that petitioner and his family members belonged to Konda Kapu caste, which is listed as Scheduled Tribe Community under the Presidential Order, 1950, and they are residents of Agency Tracks of the present East Godavari District from time immemorial; that throughout the educational career of petitioner, he was considered as a member belonged to Konda Kapu (Scheduled Tribe) community, except while he was studying

B.Sc., Agriculture; that based on an inquiry, the Director of Tribal Welfare, Government of Andhra Pradesh, by Proceedings dated 08.09.2001, informed the Acharya N.G.Ranga Agricultural University that the petitioner does not belong to Konda Kapu community.

(b) That the petitioner filed Writ Petition No.2244 of 2001 challenging the Proceedings dated 08.09.2001 and the said Writ Petition was disposed of, by an Order dated 20.12.2002 giving liberty to 2nd respondent to hold inquiry as to the social status of the petitioner; that thereafter, 2nd respondent held inquiry accordingly referring the matter to the District Level Scrutiny Committee headed by 3rd respondent, but the said Committee neither submitted report to 2nd respondent nor 2nd respondent issued any show-cause notice as required under Section 5 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (for brevity 'the Act, 1993') and Rules 8 and 9 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community Nativity and Date of Birth Certificates Rules, 1997 (for brevity 'the Rules, 1997') and without having regard of the same, 2nd respondent straightaway passed

orders in Roc.No.C5(M) 1268/01, dated 15.09.2005, cancelling the caste certificate of petitioner issued by various authorities.

(c) Challenging the order of 2nd respondent, petitioner preferred appeal before 1st respondent as contemplated under Section 7 of the Act, 1993, but 1st respondent erroneously dismissed the appeal *vide* G.O.Ms.No.69, Social Welfare (CV.2) Department, dated 19.06.2009, confirming the order passed by 2nd respondent. Though, the petitioner filed voluminous documentary evidence *viz.*, Copy of Election Identity Card issued by the Election Authority, Identity Card issued by the Cooperative Society, Pattadar Pass Book issued by Revenue Authority in favour of petitioner's father, Copy of D-Form Patta issued by Revenue Authority in favour of petitioner and other relevant documents, disclosing the petitioner's caste as Konda Kapu, none of the respondents considered the same. Hence, the Writ Petition.

3. Respondent No.2 filed counter-affidavit, denying the contents of the affidavit by the petitioner, contending *inter alia* that mere residence of Konda Kapus in the Scheduled Area does not confer upon them the status of Scheduled Tribe; that 2nd respondent issued notices to the petitioner on 27.01.2005, 24.03.2005, 06.04.2005, 27.04.2005, 22.06.2005, 11.07.2005 and 21.07.2005 to attend before the Collector, Kakinada with all

documentary evidence; that the District Level Scrutiny Committee examined the copy of Death Extract of Atapakala Satyanarayana, paternal uncle of petitioner, wherein his community was recorded as Kapu (OC); that further the Land Register Document No.860/1938, the caste of one Atapakala Chinnayya, paternal grandfather of petitioner, was mentioned as Kapu (OC); that in the Document No.870/1938, caste of one Atapakala Sanyasamma, paternal grandmother of petitioner, was mentioned as Kapu (OC); that in the Pattadar Pass Book, issued in favour of one Atapakala Bennaswami, father of petitioner, though the caste was recorded as Konda Kapu (ST), the particulars obtained from the Sub-Registrar, Prathipadu revealed that the petitioner's family members belonged to Kapu (OC).

(b) The District Level Scrutiny Committee issued notice to the petitioner and after taking into consideration of the explanation submitted by the petitioner, concluded that the petitioner does not belong to Konda Kapu (ST) community; that the Collector, after issuing notice to the petitioner and after giving several opportunities, passed the Order, dated 15.09.2005, canceling the Community Certificate Konda Kapu (Scheduled Tribe) of the petitioner; that as per the genealogy, all the petitioner's paternal relatives, including his father, married Kapu

(OC) caste and all his brothers and sisters including the petitioner also married with Kapu caste people; that in the record sheet of one Atapakala China Satyanarayana @ Chinnalu, paternal uncle of petitioner, who studied in MPP Elementary School, Lagarai (V), it was mentioned as Kapu (OC); that the land document available in the Sub-Registrar Office, Prathipadu for the year 1938, the caste status of great grandfather of petitioner was recorded as Kapu (OC), but not Konda Kapu (ST). The petitioner is not entitled for the relief as sought by him and he has to be prosecuted as per Section 12 of the Act, 1993 and the benefits provided to him are to be recovered as per Section 11 of the Act, 1993. Hence, it is prayed to dismiss the Writ Petition.

4. The petitioner filed reply-affidavit to the counter-affidavit, contending that the alleged Report of the District Level Scrutiny Committee was neither referred to, in the *impugned* order, dated 15.09.2005 of 2nd respondent nor a copy of the same had been supplied to the petitioner to defend his case properly, even otherwise, it is obligatory on the part of 2nd respondent to supply the copy of report to the petitioner; that the Ryotwari Patta under the aforesaid Regulations, was being issued in favour of petitioner after thorough inquiry and after being satisfied that he belonged to Scheduled Tribe community; that the petitioner's

paternal relatives including the father of the petitioner got married to Kapu caste people, but, there is no prohibition in law to marry persons belonging to other community people by the people belonging to Konda Kapu (ST) community. The burden of demonstrating that a candidate does not belong to the Scheduled Tribe community is on the authority, who disputes the social status; that the respondents utterly failed to demonstrate otherwise as to the petitioner's social status claim as belonging to Konda Kapu (ST) community. Hence, it is prayed to allow the Writ Petition.

5. Heard the learned counsel for the Writ Petitioner and the learned Assistant/Government Pleader for Social Welfare representing respondent Nos.1 to 3. Perused the entire material available on record.

6. Learned counsel for the Writ Petitioner would contend that the marriages of the Scheduled Tribe people with other caste people and *vice versa* do not form basis to arrive at one's caste and similarly surname in other communities also cannot form the conclusive basis to decide one's caste. The findings of the authorities in the orders *vide* LTRP Nos.43 of 1966 and 30 of 1971 that the petitioner and his family members belonged to Konda Kapu (Scheduled Tribe) community were not at all taken into

consideration and erroneously reliance was placed on the Settlement Pattas issued by the authorities under Regulation No.2 of 1970 and thereby, upheld the proceedings of 2nd respondent issued with regard to cancelling the Caste Certificate issued by the revenue authorities. Therefore, the *impugned* proceedings issued by 2nd respondent are not sustainable and the same are liable to be set-aside.

7. Learned Assistant/Government Pleader for Social Welfare representing respondent Nos.1 to 3 would contend that the inquiry and the recommendations made by the District Level Scrutiny Committee revealed that the petitioner did not belong to Konda Kapu (ST) community. Even though, number of opportunities were given to the petitioner, he failed to file valid documentary evidence to support his caste claim as Konda Kapu (ST). Learned Assistant/Government Pleader further contends that mere possessing landed properties by the petitioner and his family members in the Scheduled Area does not confer any right to claim his community as Konda Kapu (ST).

8. The issue in regard to adjudicating the caste of the petitioner arose, when an allegation petition was received by the Registrar, Acharya N.G.Ranga Agriculture University (ANGRAU) from the Co-Convener, Andhra Pradesh Manne Dora Welfare

Society, Rampachodavaram and the matter was referred to the Commissioner Tribal Welfare, Hyderabad to conduct an inquiry and to submit the report. As per the version of respondents, the matter was enquired into, by the Tribal Welfare Department, which revealed that the petitioner and his family members do not belong to Konda Kapu (ST) community, but they belonged to Kapu (OC) and reported the same to the Registrar of the University.

9. A perusal of the Order passed by 2nd respondent *vide* Ref.C5(M)1268/2001, dated 15.09.2005 goes to show that aggrieved of the Enquiry Report, the petitioner filed Writ Petition No.22446 of 2001 on the file of this Court and this Court *vide* Order, dated 20.12.2002 disposed of, the said Writ Petition, directing 2nd respondent to complete the inquiry with regard to either confirmation or cancelation of the social status certificate of the petitioner. Subsequently, the matter was referred to the Chairman, District Level Scrutiny Committee to inquire into the social status of the petitioner. A perusal of the aforesaid order further goes to show that the Committee examined the Report of the Commissioner, Tribal Welfare, contents of the allegation made by the Co-Convener, Andhra Pradesh Manne Dora Welfare Sangham, copy of Death extract of one Atapakala Satyanarayana, dated 02.02.1967, who is paternal uncle of petitioner, Land

Register Document No.860 of 1938 of one Atapakala Chinnayya, paternal grandfather of petitioner, Land Document No.870 of 1938 of one Atapakala Sanyasamma, paternal grandmother of petitioner, copy of Pattadar Pass Book of one Atapakala Bennaswami, father of petitioner and Land Document No.792 of 1945 of one Atapakala Mangamma, paternal grandmother of petitioner, and concluded that the petitioner does not belong to Konda Kapu (ST) Community, as the caste of all the aforesaid persons, who are relatives of the petitioner, in the above documents, was mentioned as Kapu (OC).

10. A perusal of the order of 2nd respondent reveals that the petitioner submitted written explanation to the District Level Scrutiny Committee, along with School records pertaining to the year 1976 and land records pertaining to the year 1945, and contended that the land records of the year 1945 belonged to Atapakala surname was recorded as Konda Kapu. Besides the aforesaid documents, the petitioner also produced tax receipts and LTRP proceedings of the Deputy Collector and Pattadar Pass Books before the said Committee. However, the said Committee opined that ample time and opportunity was given to the petitioner to prove his caste claim and as no valid documentary evidence was filed, it was observed that the petitioner does not belong to

Konda Kapu (ST) community and recommended 2nd respondent to declare the caste of petitioner and his family members as Kapu (OC) and further recommended to cancel the caste certificate of Konda Kapu (ST) community obtained by the petitioner and his family members, issued by the revenue authorities. The order of 2nd respondent further discloses that basing on the recommendations of the said Committee, the petitioner was issued notice on number of occasions to attend before them with all recorded documentary evidence to support his caste claim. However, the petitioner did not file any written arguments in response to the notices issued by 2nd respondent. Thereby, 2nd respondent, *vide* Order in Ref.C5(M)1268/2001, dated 15.09.2005, cancelled the Caste Certificate of petitioner as Konda Kapu (ST), issued by the revenue authorities on various occasions.

11. Indisputably, aggrieved of the said Order, dated 15.09.2025, petitioner preferred appeal before 1st respondent. *Vide* G.O.Ms.No.69, Social Welfare (CV.2) Department, dated 19.06.2009, 1st respondent rejected the appeal filed by the petitioner and confirmed the order passed by 2nd respondent. In the appeal before 1st respondent, petitioner claimed ST status mainly on the basis of his family/forefathers residence in Agency

Area and existence of lands in their name and his caste was being recorded as such in school records and also the caste of one Atapakala Mangamma, paternal grandmother of petitioner, was mentioned as Konda Kapu. However, 1st respondent rejected the ground on the pretext that the documentary evidence adduced by the Commissioner, Tribal Welfare especially land records relating to the year 1938 got more probative value than the evidence furnished by the petitioner. It was further observed by 1st respondent in the *impugned* Order that as per the genealogy, all the paternal relatives including the father of petitioner married in Kapu (OC) caste and all the brothers and sisters including the petitioner also married in Kapu (OC) caste.

12. Learned counsel for the petitioner would contend that in case of inter-caste marriage, it is settled law that the children would get the social status of the father. He placed reliance on proposition of law laid down in **Syamala Rama Raju v. Government of Andhra Pradesh Social Welfare (CV.2) Department rep. by its Principal Secretary and others**¹, wherein, the High Court of Judicature at Hyderabad held as under: (paragraph Nos.5 and 6)

¹ 2015 (2) ALT 547.

“5. ...However, it is admitted case that the father of the petitioner belongs to ST (Koya) community and his mother belongs to OC (Reddy) community. In the case of such inter-caste marriage, it is well established that the children get the social status of the father. Admittedly, the father of the petitioner worked at Rajahmundry Municipality under ST category and in all the school records the social status of the petitioner was shown as ST community only.”

6. In the circumstances, instead of remanding the matter to the appellate authority, I hold that the petitioner belongs to ST (Koya) community based on the social status of his father. In view of the admitted case of the petitioner's father belonging to ST community, the other issue whether the petitioner was brought up in the surroundings of ST community is not being dealt with.”

Further, in **Government of A.P., rep. by its Principal Secretary, Agriculture and Co-operation (Co-op.II) Department, Hyderabad and another v. Pagadala Khali Kanthi and another**², the High Court of Judicature at Hyderabad held as under: (Paragraph No.12)

“12. The primary reason for cancellation by the Collector and recommendation by the District Level Scrutiny Committee being inter caste marriage of the father of the respondent and the assumption that the offspring is not entitled to claim such status. The aforesaid issue is clearly settled by two decisions of the Supreme Court on which the learned counsel for the respondent has rightly placed reliance. The following passage

² 2010 (3) ALT 663 (D.B.)

from **Anjan Kumar v. Union of India [(2006) 3 SCC 257]**
completely answers the aforesaid issue:

“6. Undisputedly, the marriage of the appellant's mother (tribal woman) to one Lakshmi Kant Sahay (Kayastha) was a court marriage performed outside the village. Ordinarily, the court marriage is performed when either of the parents of bride or bridegroom or the community of the village objects to such marriage. In such a situation, the bride or the bridegroom suffers the wrath of the community of the village and runs the risk of being ostracized or ex-communicated from the village community. Therefore, there is no question of such marriage being accepted by the village community. The situation will, however, stand on different footing in a case where a tribal man marries a non-tribal woman (Forward Class) then the offshoots of such wedlock would obviously attain the tribal status. However, the woman (if she belongs to forward class) cannot automatically attain the status of tribal unless she has been accepted by the community as one of them, observed all rituals, customs and traditions which have been practiced by the tribals from time immemorial and accepted by the community of the village as a member of tribal society for the purpose of social relations with the village community. Such acceptance must be by the village community by a resolution and such resolution must be entered in the Village Register kept for the purpose. Often than not, such acceptance is preceded by feast/rituals performed by the parties where the elders of the village community participated. However, acceptance of the marriage by the community itself would not entitle the woman (Forward Class) to claim the appointment to the post reserved for the reserved category. It would be incongruous to suggest that the tribal woman, who suffered disabilities, would be able to compete with the woman (Forward class) who does not suffer disabilities

wherefrom she belongs but by reason of marriage to tribal husband and such marriage is accepted by the community would entitle her for appointment to the post reserved for the Scheduled Castes and Scheduled Tribes. It would be a negation to Constitutional goal."

(emphasis supplied)

13. A perusal of the order of 2nd respondent goes to show that petitioner did not attend the proceedings before 2nd respondent. Indeed, a perusal of the said order goes to show that petitioner was given ample opportunities to produce documentary evidence in support of his caste claim. However, in the *impugned* order passed by 1st respondent, it was mentioned that the order of 2nd respondent was mainly based on the findings of the inquiry conducted by the Commissioner, Tribal Welfare. In fact, none of the parties filed the recommendations of the District Level Scrutiny Committee before this Court to look into the observations made by the said Committee.

14. Learned counsel for the petitioner would contend that the inquiry of the District Level Scrutiny Committee is behind the back of the petitioner and despite the request of petitioner, the report of the Committee has not been furnished to him. Therefore, the Order passed by 2nd respondent, which was confirmed by 1st respondent placing reliance on the report of the Committee, which

has not seen the light of day, constitutes an infraction of the salutary principles of natural justice. He placed strong reliance on the decision laid down in **Varre Venkata Ramana Jaganmohan Rao and others v. Join Collector and District Magistrate, East Godavari District and others**³, wherein the High Court of Judicature at Hyderabad held as under: (Paragraph Nos.7 and 10)

“7. On the admitted factual scenario each of the petitioners have a certificate issued by the competent authority certifying them as belonging to Konda Kapu community. Public law principles enunciate, on settled doctrine, that there is a prima facie presumption of validity of public orders duly made. The petitioners must thus be considered, prima facie, belonging to Konda Kapu community. The burden of demonstrating that they do not so belong and that the certificates are vitiated by factual errors, is thus on the respondents. The respondents are obligated to discharge the said burden by marshalling cogent, rational and legal evidence in respect of the conclusion to resile from the earlier certification of the petitioners’ community and in respect of their decision to cancel the certificates issued in favour of the petitioners.

10. The enquiry by the Sub-Collector is admittedly behind the back of the petitioners. The report of the Sub-Collector has not been furnished to the petitioners, despite their request for the same. In the circumstances, the determination by the Sub-Collector that Varre Venkata Narasaiah and Varre Veeraiah, the ancestors of the petitioners, belong to Kapu community could not have legally been considered as conclusive evidence that their family belongs to Kapu community and thus form the foundation for an order visiting the petitioners with

³ 2001 (3) ALT 508.

adverse civil consequences qua their community status. Reliance on the report of the Sub-Collector in the impugned order constitutes an infraction of the salutary principle of natural justice. Audi Alteram Partem and is thus liable to be declared as vitiating the impugned order.”

Further, in **K.Shyam v. Government of A.P. rep. by its Principal Secretary, A.P. Secretariat, Hyderabad⁴**, the High Court of Judicature at Hyderabad held as under:

“The District Collector while cancelling the caste certificate has not supplied copy of RDO’s report which it relied upon and failed to consider documents produced. Cancellation of caste certificate in contravention of Rules 9 (3), 9 (4), 9 (5) of the A.P. S.C., S.T., and Backward Classes – Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 is fatal. The primary Authority and Appellate Authorities failed to consider the caste of father is decisive in the matter.”

15. Coming to the documentary evidence adduced by the petitioner, the petitioner adduced copy of Transfer Certificate, dated 23.06.1983 issued by the Head Master, Zilla Parishad High School, Lagarai, East Godavari District, wherein it was mentioned that the petitioner belonged to Schedule Tribe community (Konda Kapu). The Caste Verification done by the Mandal Revenue Officer, Rajavommangi, dated 28.09.2002 would disclose that the father of petitioner married one Seetamma, Repur village, who

⁴ 2018 (1) HLT 195.

belonged to Kapu community and out of their wedlock, they were blessed with five sons and one daughter, and the petitioner is one among them. As per the verification of the Mandal Revenue Officer, Rajavommangi, the caste of petitioner as per the copy of his School Certificate was mentioned as Konda Kapu. The said document further discloses that the then Mandal Revenue Officer, Rajavommangi viz. Royala Prabhudas issued Permanent Caste Certificate in favour of petitioner stating that he belonged to Konda Kapu (ST) community. Furthermore, in all the land record documents, his caste was mentioned as Konda Kapu, though the relations were mentioned as Kapu (OC). Besides the above said document, the petitioner also filed copies of Transfer Certificates issued by the Zilla Parishad High School, Lagarai and Community and Caste Certificates in favour of petitioner's brothers goes to show that they belonged to Konda Kapu (ST) Community.

16. Learned counsel for the petitioner would contend that when once the community of a person's relatives was declared certifying that they belonged to certain community, there is no reason to reject the caste claim of the person, who made his caste claim basing on his relatives caste. He placed reliance on the proposition of law laid down in **State of Bihar and others v.**

Sumit Anand⁵ the Hon'ble Supreme Court held as under:
(Paragraph No.6)

“... In view of the fact that the respondent's father, grandfather, mother and maternal uncle had all been granted the certificate certifying that they belong to the 'Gond' community, we see no reason to come to a conclusion other than the one arrived at by the High Court to the effect that the respondent was entitled to issuance of the caste certificate.”

17. The petitioner filed the order of 1st respondent *vide* G.O.MS.No.12, Social Welfare (CV2) Department, dated 29.01.2014 passed in the appeal petition preferred by one Boddu Veeraju and 21 others, who are residents of Lagarai (V), Rajavommangi (M), East Godavari District. A perusal of the said order, at 8th paragraph, it was stated that the Andhra Pradesh Gazette issued in the years 1953 and 1963, Konda Kapu, Mannem Kapu and Kapus of Visakhapatnam and East Godavari Districts were treated in the category of 'Hill Tribes' and based on this, the authorities used to issue caste certificates, after due enquiries treating them as Scheduled Tribes. In the findings of the *impugned* Order, it was specifically mentioned that the documentary evidence adduced by the Commissioner (Tribal Welfare) especially in the land records relating to the year 1938

⁵ (2005) 12 Supreme Court Cases 248.

have got more probative value than the evidence furnished by the petitioner. But, a perusal of the copy of the Order passed by the Special Assistant Agent, Peddapuram in LTRP No.43 of 1966 and LTRP No.30 of 1971 passed by the Agency Divisional Officer, Peddapuram, which are filed by one Gomu Benna Swamy against Atapakala Mangamma, paternal grandmother of petitioner, would make it clear that the said petitions were dismissed holding that the said Atapakala Mangamma is a tribal and belonged to Konda Kapu community and the transaction in the said petitions is between two tribals and the provisions of the Land Transfer and Regulation 1 of 1959 does not apply. Even, a perusal of the Order dated 29.12.2004 passed in LTRP No.250 of 2004 by the Special Deputy Collector (Tribal Welfare), Rampachodavaram which was filed by the Deputy Tahsildar, Tribal Welfare, Rajavommangi against Atapakala Bennaswamy and others, it was dismissed holding that they are tribals and are in possession of the Government Land. Therefore, when the documents adduced by the petitioner clearly establish that the petitioner's father and her paternal grandmother were identified as tribals as Konda Kapu (ST) community, and the petitioner, being the son of one Benna Swamy, who is respondent in LTRP No.250 of 2004, who was declared as a tribal, *vide* Order, dated 29.12.2004, 1st respondent

confirming the order of 2nd respondent on the ground that the documentary evidence adduced by the Commissioner (Tribal Welfare) especially the land records relating to the year 1938 have got more probative value than the evidence furnished by the petitioner, seems to be absurd.

18. Indeed, the petitioner, though was given ample opportunities, did not file any recorded evidence before 2nd respondent. Mere non adducing documentary evidence on behalf of petitioner during inquiry either before the Committee or 2nd respondent, is not a ground to reject the caste claim of the petitioner. The burden of demonstrating that a candidate does not belong to the Scheduled Tribe community is on the authority, who disputes the social status. As held in **Syamala Rama Raju** case (1 supra) it is well-established that children get the social status of the father. When such is the case, Writ Petitioner, being his son, would get the same social status of his father. In view of the facts and circumstances, the *impugned* Order of 1st respondent confirming the order of 2nd respondent in ROC No.C5(M)/1268/2001, dated 15.09.2005, is liable to be set-aside.

19. Accordingly, the Writ Petition is allowed, setting-aside the order of 1st respondent in G.O.Ms.No.69, Social Welfare (CV.2) Department, dated 19.06.2009. Consequently, the order of

2nd respondent in Roc.No.C5(M)/1268/2001, dated 15.09.2005 is also set-aside.

There shall be no order as to costs.

As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

8th January, 2026.

Note:

LR copy to be marked.

B/o.
DNB