



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

**[3457]**

WEDNESDAY, THE 16<sup>th</sup> DAY OF SEPTEMBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE HARINATH.N**

**WRIT PETITION NO: 19700/2023**

**Between:**

1.SMT THOTA RAJYA LAKSHMI, D/O. CHENCHAIAH HINDU, AGED ABOUT 44 YEARS, OCC. UDC TOWN II, APSPDCL, NELLORE DIVISION NELLORE TOWN AND MANDAL, SPSR NELLORE DISTRICT.

**...PETITIONER**

**AND**

1.THE GOVERNMENT OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY SOCIAL WELFARE DEPARTMENT VELAGAPUDI, GUNTUR DISTRICT.

2.THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT, NELLORE.

3.THE DISTRICT LEVEL SCRUTINY COMMITTEE UNDER ACT 16 POT 1993, SPSR NELLORE DISTRICT REP BY ITS CHAIRMAN.

4.THE REVENUE DIVISIONAL OFFICER, NELLORE.

5.THE THASILDAR, NELLORE.

6.THE SOUTHERN POWER DISTRIBUTION COMPANY OF A P LTD, TIRUPATI, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR.

7.THE SUPERINTENDENT ENGINEER, OPERATION CIRCLE, NELLORE.

**...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 issue a Writ of Certiorari calling for records relating to GO.Ms.No.40, Tribal Welfare (CV) Department dated 11.07.2023, rejecting the appeal filed by the petitioner challenging proceedings of the 2nd Respondent in RC No.C5(M)/262/2005 dated 24.12.2013 and to quash the same as being illegal, arbitrary and violative of Article 14, 19(1)(g) and 21 of Constitution of India as well as principles of natural justice apart from being contrary to the provisions of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 and The (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 and to 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 dispense with in filing of original GO.Ms.No.40, Tribal Welfare (CV) Department dated 11.07.2023 and pass

### **IA NO: 2 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 suspend the operation of the orders passed by the 1st respondent in GO.Ms.No.40, Tribal Welfare (CV) Department dated 11.07.2023 as well as the proceedings of the 2nd Respondent in RC No.C5(M)/262/2005 dated 24.12.2013, pending final adjudication of the writ petition and to pass

### **IA NO: 3 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 vacate the interim order passed in W.P.No.19700 of 2023 dt:09.08.2023 and dismiss the writ petition and pass

### **IA NO: 4 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 vacate the interim orders granted in IA No.01 of 2023 in W.P.No. 19700/2023 dated 09/08/2023 and dismiss the writ petition as devoid of merits and pass

**Counsel for the Petitioner:**

1.RAVITEJA TALASEELA

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

2.Venkata Rama Rao Kota SC FOR APSPDCL

3.GP FOR SOCIAL WELFARE

**The Court made the following Order:-**

The petitioner is aggrieved by the impugned proceedings dated 11.07.2023, rejecting the appeal filed by the petitioner challenging the proceedings of the 2<sup>nd</sup> respondent dated 24.12.2013, whereby the Scheduled Tribe Community Certificate issued to the petitioner was cancelled.

2. The learned counsel appearing for the petitioner submits that the petitioner was born on 10.07.1972 at Nellore to Yanadi caste parents, and the customs of the Yanadi caste were followed by the petitioner's parents. The school records also referred to the petitioner's community as Scheduled Tribe, and the subsequent educational certificates also recorded the petitioner's community as Scheduled Tribe. The petitioner joined the services of APSPDCL as Junior Assistant in the year 1996. Thereafter, she married a person belonging to the Gajula Baliya Community. At the time when the petitioner was due for promotion, a complaint from a third party was received by the employer of the petitioner. After the petitioner had completed 16 years of service, an Inspector of Vigilance conducted a detailed enquiry and submitted a report clearly stating that nothing adverse was found in the enquiry which would render the petitioner's caste certificate null and void. No evidence was found to substantiate the allegation that the petitioner did not belong to the Scheduled Tribe Community. The said Vigilance Report was submitted to the Chairman and Managing Director of APSPDCL on 18.10.2004.

3. While things stood thus, a second round of enquiry was initiated when the petitioner was due for promotion, pursuant to a complaint dated 16.11.2009 submitted by a third party, alleging that the petitioner had secured employment by submitting a false caste certificate. It is submitted that the enquiry conducted by the District Level Scrutiny Committee did not consider the enquiry report of the Vigilance Inspector and also did not consider the documents submitted by the petitioner, more particularly, the educational certificates and the caste certificate of the brother of the petitioner, who was employed in APSRTC. Without recording any finding on these documents, the Enquiry Committee submitted a report, which was duly considered by the 2<sup>nd</sup> respondent, who passed an order dated 24.12.2013 cancelling the Scheduled Tribe Caste Certificate issued to the petitioner.

4. An appeal was filed before the 1<sup>st</sup> respondent, who passed the impugned order dated 11.07.2023, dismissing the appeal of the petitioner and confirming the order of the 2<sup>nd</sup> respondent. It is submitted that the 1<sup>st</sup> respondent also failed to consider the Vigilance report submitted by the competent authority, and the same is not even referred to in the impugned proceedings either by the 1<sup>st</sup> respondent or the 2<sup>nd</sup> respondent. It is submitted that, respondents after having ascertained by conducting an enquiry through the Vigilance Department and the Vigilance Department having submitted a detailed report categorically confirming that there was no truth in the allegation against the petitioner, the respondents could not have initiated a fresh enquiry on receipt of a fresh complaint.

5. The learned Assistant Government Pleader appearing for the respondents submits that a counter has been filed and relies upon paragraphs 6 and 9 thereof. It is stated that the petitioner had appeared before the District Level Scrutiny Committee on 26.10.2013 and offered her explanation. Respondent No.2 has stated that the caste certificate produced by the petitioner are of no consequence as they were issued by the MRO, Nellore. It is also stated in the counter that the petitioner did not practise the customs of the Yanadi community and, as such, the orders passed by the authorities are in accordance with the Act and the procedure prescribed under the Rules.

6. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader appearing for the respondents.

7. The Vigilance Report dated 18.10.2004 had gone into the allegations against various employees, including the petitioner. The allegation against the petitioner at that point of time was that she had secured appointment as LDC in the Scheduled Tribe quota by producing a bogus caste certificate, that the petitioner's father and husband belonged to the Baliya caste, and that she had secured appointment as LDC in the ST backlog quota. It was also alleged that the petitioner was adopted by one Brahmin and that she was trying to secure promotion in the ST quota and had offered a bribe of Rs.25,000/- to the SAO, Nellore.

8. The Vigilance Authority conducted an enquiry and held that the petitioner belonged to the Yanadi ST community and professed Hinduism, as reflected in the school certificates and the Transfer Certificate issued by the school authorities. The school records also indicated the community of the petitioner as Yanadi (ST). The statements of several witnesses were recorded, and there was a specific denial by the petitioner's father that one Venkata Ramanaiah Panthulu had adopted the petitioner. He stated that the said Venkata Ramanaiah Panthulu was only a neighbour who used to guide his daughter, the petitioner herein, with regard to her education. The allegation that Venkata Ramanaiah Panthulu had adopted the petitioner was specifically denied.

9. The Enquiry Officer also verified the caste certificate of the elder brother of the petitioner, who was working as a Mechanic in APSRTC, Udayagiri Depot. He had secured employment under the Scheduled Tribe quota. The statement of the petitioner's brother was also recorded by the Enquiry Officer. The educational certificates of the brother of the petitioner were also verified. Accordingly, a detailed report was submitted by the Enquiry Officer to the Chairman and Managing Director of the 6<sup>th</sup> respondent.

10. These proceedings were neither referred to by the District Collector nor were any reasons assigned by the District Collector for ignoring or setting aside the enquiry report conducted by a competent authority, while passing the order dated 24.12.2013. The further appeal filed by the petitioner before the 1<sup>st</sup> respondent also did not consider the enquiry report dated 18.10.2004.

11. The respondents could not have initiated a fresh enquiry as and when they received a complaint with regard to the community certificate of any employee. Once a comprehensive enquiry is completed and a finding is arrived at by the Enquiry Officer, the same ought to be referred to for considering any further complaint against the said employee for initiating further action, if necessary, subject to the fresh complaint bringing on record any additional material which was ignored by the earlier Enquiry Officer.

12. On the facts of the present case, it is evident that there was no additional material submitted by the complainant with regard to suppression of any material by the petitioner or any additional material which required a re-enquiry into the community certificate of the petitioner. The enquiry appears to have been initiated on a complaint received from a third party on the same allegation that the petitioner had submitted a false community certificate and secured employment in the 6<sup>th</sup> respondent. Such complaints could not have been entertained by the respondent as a responsible employer in the State. Frivolous complaints against employees ought not to be entertained by the employer, as they result in undesirable consequences and cause trauma to the employee.

13. On the facts of the present case, it is evident that the enquiry report submitted by the Enquiry Officer is categorically clear and unambiguous. While the enquiry report pointed out the reasons for arriving at its conclusions and findings, no further enquiry could have been initiated after a lapse of five years thereafter.

14. On these considerations, this Court is of the considered view that the impugned proceedings dated 24.12.2013 and the subsequent proceedings dated 11.07.2023 deserve to be set aside, as they have miserably failed to consider the report of the Enquiry Officer dated 18.10.2004.

15. Accordingly, the Writ Petition is allowed and the impugned proceedings dated 24.12.2013 and 11.07.2023 are hereby set aside. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

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**JUSTICE HARINATH.N**

16.09.2026  
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