

**Shivakumar Vs. the Asst. Commissioner and Another**

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**Court :** Karnataka Gulbarga

**Decided On :** Feb-13-2014

**Judge :** Mohan M. Shantanagoudar

**Appeal No. :** Writ Petition No. 201831 of 2014 (SC/ST)

**Appellant :** Shivakumar

**Respondent :** The Asst. Commissioner and Another

**Judgement :**

(Prayer: This writ petition is filed under Articles 226 and 227 of the Constitution of India, praying to issue a writ of certiorari, quashing the order dated 28.12.2013 passed by the 1<sup>st</sup> respondent vide Annexure-K and endorsements dated 27.2.2013 and 22.5.2013 issued by the 2<sup>nd</sup> respondent vide Annexures-F and H to the writ petition, etc.)

1. By the impugned order, the Assistant Commissioner, Bidar, has dismissed the appeal filed by the petitioner on the ground of delay and laches.

2. Petitioner has sought for caste certificate declaring him as belonging to Beda Jangama Caste. The said application came to be rejected by the Tahsildar on the ground that the petitioner has not produced the caste certificate of his parents. Feeling aggrieved by the said order of the Tahsildar, the petitioner filed appeal before the Assistant Commissioner with the delay of about six months.

The Assistant Commissioner refused to condone the said delay.

3. The memorandum of appeal is produced at Annexure-J. The same does not reveal any reason much less valid reason for seeking condonation of delay. Therefore, the Assistant Commissioner is justified in dismissing the appeal on the ground of delay and laches. Hence, no interference is called for.

Accordingly, writ petition fails and the same stands dismissed.

However, it is open for the petitioner to make fresh application seeking caste certificate if he so chooses, within six weeks from today. He shall produce all the relevant records along with the application including the caste certificate of his parents. If such an application is made before the Tahsildar within six weeks from today, the same shall be considered in accordance with law and on merits at an early date.

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