

A DIRECTOR OF TRIBAL WELFARE GOVERNMENT OF
 ANDHRA PRADESH

v.

LAVETI GIRI AND ANR.

APRIL 18, 1995

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[K. RAMASWAMY AND N. VENKATACHALA, JJ.]

C *Constitution of India, 1950: Article 15(4) r/w preamble and Articles 14, 16, 38, 39 and 46—Socio-Economic Justice-Admission to professional Course on the basis of false social status certificate as ST—Non appearance of father of the candidate in order to prove the social status—Held, Respondent (candidate) and his father played fraud upon constitution—Admission wrongly gained and appointment wrongly obtained, on the basis of false social status certificate, necessarily has the effect of depriving the genuine SC, ST and OBC candidates the benefits conferred by the constitution—Social status certificates*
D *—Issue of—Guidelines issued—Suggestion to Government to bring about uniform legislation with guidelines and rules prescribing penal consequences for those who flout constitution.*

E *Indian Evidence Act, 1872 : Section 102—Burden of Proof—Of Social status for gaining socio-economic advantages—Held, always on the person who claims such advantages.*

F **Respondent, son of a government servant, original resident of Amal-davalas in Srikulamam District settled down in Satyavedu Eluru Taluk of West Godawari District and were staying at Malkpat, within jurisdiction of Tehsildar Masheerabad, Hyderabad District as his father was posted there.**

G **The Respondent obtained caste certificate from Tehsildar, Val-labhnagar, Ranga Reddy District, to the effect that he belonged to 'Konda Kapu' community, a notified scheduled tribe, in order to get admission into Engineering course.**

H **After provisional admission, matter was referred to the Director, Tribal Welfare for confirmation of his social status. Director issued notice to the Respondent to appear before him with all necessary certificates and with an adult member of his family. The Respondent appeared with all**

necessary papers, but not with any adult member (his father).`

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The Director, on the basis of school certificate of the father of Respondent, in which his social status was mentioned as 'kapu' and on the basis that Tehsildar, Vallabhnagar was not competent to issue social status certificate, concluded that the respondent was not from a schedule tribe.

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The Presidential Notification mentions that 'Konda Kapu' and 'Konda Reddies' are scheduled tribes while 'Kapus' and 'Redidies' are of upper social status. In GO Ms. No. 147 dated April 27, 1977, it is mentioned that Tehsildar/Revenue Division Officer/Assistant Collector/Sub Collector of the Taluk or Divisional Districts, in respect of which nativity is claimed, are competent to issue social status certificate. In GO Ms. No. 345 dated June 30, 1977, distinction between a group of tribes and plains were enumerated and in Annexure I to the G.O. the candidates are required to furnish particulars, prescribed therein and the competent officer was to verify and satisfy himself of the true social status of the candidate before issuing the certificate.

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D

Respondent filed writ petition in the High Court against the order of the Director. The Single Judge, dismissed the petition, pointing out that in a different writ petition, the sister and father of the respondent were called upon to produce social status certificate, which they failed to produce. In still another writ petition, Respondent's father's brother's son had claimed social status as 'Konda Kapu', in which it was held that he was not a 'Konda Kapu'.

E

Division Bench, in appeal, placed the burden of proof of social status founded on entries in the Govt. record of service of respondent's father which he had filed subsequently, on the State, and allowed the appeal on the grounds that the University Brochure indicated that Tehsildar was a competent authority and thus certificate issued was valid. The service records and the educational certificates of the Respondent's father established him to be schedule tribe and that the rejection of the claim of the respondent was on conjectures and surmises.

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G

The contentions of the appellant were that High Court was not right in relying on documents produced by the Respondent without any proof; that the father did not appear to explain the circumstances under which

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A he had the status of scheduled Tribe, that the burden of proof was wrongly caused on the department, when it squarely rested on the candidate to prove his tribe, as prescribed under Rules, and that the enjoyment of employment of the Respondent's father, as scheduled tribe, is not a conclusive proof.

B The respondent contended that since the University brochure did not indicate that certificate from nativity Tehsildar was required, the Respondent did not know that exactly from which officer, he had to obtain the certificate and that the Respondent's father's enjoyment of employment as 'Konda Kapu' in Govt. service, is a conclusive evidence.

C Allowing the appeal, this Court

HELD : 1. The Division Bench has succumbed to the fraud played by the Respondent and his father to secure false social status as 'Konda Kapu' while they are 'Kapus' by caste, a forward caste in Andhra Pradesh. [436-D]

D 2. The burden of proof of social status is always on the person who profound it to seek constitutional socio economic advantages. It is no part of the duty of the State to disprove or otherwise. The criteria to obtain caste certificate from Nativity Tehsildar/Mandal Revenue Officer/Revenue Divisional Officer, is relevant for the reason that Scheduled Tribes generally live in forest area, maintains regions and specified pockets and will be known to local officers or easily accessible for verification. The father of the Respondent deliberately abstained to appear before the Director. Though respondent, minor, appeared before the Director, his statement cannot be used as evidence. The School certificate of respondent's father bears evidentiary value and relevant material evidence. The subsequent records manufactured by his father and his continuance in service on that basis, even if it was accepted by the Department, is not conclusive and cannot be relied as gospel truth. The totamic characteristic are required to be satisfied as noted in Annexure-I of the GO. The Division Bench has totally omitted to consider all the aspects. [437-F, G, 438-B, D, E]

Kumari Madhuri Patil and Anr. v. Addl. Commissioner, Tribal Development and Ors., [1994] 6 SCC 241, relied on.

H 3. The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate, necessarily has the effect of

depriving the genuine scheduled castes or scheduled tribes or OBC candidates envisaged of the benefits conferred on them by the constitution. It is, therefore, necessary that the certificates issued are scrutinized at the earliest and with utmost expedition and promptitude. It is necessary to streamline the procedure for the issuance of social status certificates. The Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the constitution and corner the benefits reserved for the real tribal etc. etc. so that the menace of fabricating the false records and to gain unconstitutional advantages by plain/spurious persons could be prevented. Lest they would defeat the constitutional objective of rendering socio-economic justice envisaged under Article 46 in the Preamble of the Constitution under Articles 14, 15, 16, 38 and 39. [439-A, C, 442-D, E]

4. Since by orders of the High Court, the Respondent had already completed his engineering course, though he played fraud on the constitution depriving the real tribal of the benefit of education as an engineer. He was minor at the relevant time, so nothing can be done except declaring that he is not a tribe and that he is not entitled to any employment or any other advantage on the basis of his false status as scheduled tribe, namely 'Konda kapu'. His father did not appear before the Director and he is not before this court to direct the Govt. to lay prosecution. [442-F, G]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 4545 of 1995.

From the Judgment and Order dated 16.1.84 of the Andhra Pradesh High Court in W.A. No. 1040 of 1983.

G. Prabhakar for the Appellant.

Y.P. Rao for the Respondents.

The Judgment of the Court was delivered by

K. RAMASWAMY, J. Leave granted.

This appeal by special leave arises from the judgment and order of the High Court of Andhra Pradesh dated January 16, 1984 made in Writ Appeal No. 1040 of 1983. This is a second case after *Madhuri's* case in

A which this Court noticed fraud upon the Constitution played by the plain-
man to wear mask of false social status to corner the Constitutional benefits
of reservation of admission into professional course under Art. 15(4), an
integral scheme of socio-economic justice conferred on the disadvantage
Scheduled Tribes. The Government of Andhra Pradesh stated in G.O. Ms.
B Nos. 245 dated June 30, 1977 and reiterated in G.O. No. 289 dated
November 28, 1986 of the Social Welfare Department of the Andhra
Pradesh Government, that it is notorious to secure false caste/community
certificates that "a very numerous applications are received from spurious
C candidates claiming and projecting privileges exclusively provided to
Scheduled Tribes candidates with the help of false certificates resulting in
not only dilution but also denial of benefits to Scheduled Tribes candi-
D dates". It would be thus an undeniable fact that to secure false social
status as a Scheduled Tribes or Scheduled Castes, the plainman plays fraud
on the Constitution to secure admission in the professional courses or
appointment to a post or office under the State or its instrumentalities. The
Division Bench by resorting to traditional treatment of a burning malady,
has overlooked the fraud played on the Constitution by ineligible persons
the constitution of benefits exclusively made available for deprived class of
persons.

E The respondent is son of one L. Hanumantha Rao, a Government
servant in Engineering Department of State Government. The admitted
facts are that their nativity though initially was Amadalavalas in
Srikamulam Dist. settled down in Satyavedu in Eluru Taluk of West
Godavari District. By appointment and transfer the respondent's father,
while working in Hyderabad was staying in Malakpot within the jurisdiction
F of the Tehsildar Masheerabad, Hyderabad District. For admission into
Engineering course, he obtained caste certificate from Tehsildar Val-
labhnagar, Ranga Reddy Dist. that he belongs to Kondakapu community a
notified Scheduled Tribe. while provisionally admitting the respondent
into first year course of B.E., the Principal, Osmania University, Engineer-
G ing College referred the matter to the Director, Tribal Welfare for confir-
mation of the social status of the respondent. On receipt thereof the latter
issued notice to the respondent to appear before him with all necessary
certificates alongwith an adult male member who would answer the ques-
tions. Though the appellatant had appeared with photostat copies of the
certificates before the Director on July 21, 1983, the adult member, in other
H words, is father L. Hanumantha Rao had not appeared. In spite of giving

time for his appearance, the Director having found that the respondent's father did not appear, considered the certificates produced by the respondent and concluded that since Tehsildar Vallabhnagar was not competent to issue the social status certificate, they had been issued without jurisdiction. In the school certificate of the father of the respondent, it was recorded that he was "Kapu" which would mean that respondent and his father did not belong to Kondakapu community, Scheduled Tribe. Calling in question of the order of the Director dated August 20, 1993, the respondent filed Writ Petition No. 7134/83. The Learned Single Judge by his order dated October 22, 1983 dismissed the Writ Petition. On appeal the Division Bench reversed the order of the Single Judge primarily on three grounds, firstly, that the admission brochure of the Osmania University indicates that a Tehsildar is competent to issue the certificate. Since Tehsildar Vallabhnagar is a competent officer and the certificate issued by him was valid in law. It was also held that the father of the respondent was in service of State Government and his service records and the educational certificates established him to be a Scheduled Tribe. Therefore, the respondent is entitled to enter the status as Scheduled Tribe. The Director rejected the claim of the respondent on assumption and surmises.

It is contended by Sri Prabhakar, learned counsel for the appellants that the High Court was not right in relying on the documents produced by the respondent without any proof. The father did not appear to explain the circumstances under which he had the status of scheduled Tribe. The certificate from Tehsildar of the nativity criteria is discernible from the brochure of the University. University is required to call upon the candidate to produce the required social status certificate, when a candidate's claim is founded upon such a social status. Relevant rules or orders issued by the Government in Social Welfare Department prescribed the procedure in that behalf. The High Court wrongly caused the burden of proof on the Department when it squarely rested upon the candidate to prove his caste/tribe according to the procedure prescribed under the rules. It is the duty of the certificate issuing authority to satisfy himself after due verification whether the candidate belong to Scheduled Caste or Scheduled Tribe, satisfies the criteria prescribed by the Government. Though the father managed to gain falsely social status as tribe and wrongfully and unconstitutionally is in enjoyment of the benefit of employment as a tribe, it is not conclusive. It is not uncommon to corner such benefits because of connivance of officers and it is a known fact that the tribe of such officers

A has grown over years because the social crimes committed by them is either
B ignored by the superiors of their class or because they have a protective
umbrella from their higher ups. The learned Single Judge has rightly taken
C the relevant factors into consideration to dismiss the writ petition. Shri Y.
D Prabhakar Rao, the learned counsel for the respondent vehemently con-
tended that the view of the Division Bench of the High Court is quite legal
and justifiable on the facts. The candidate does not know from which
officer he has to obtain the social status certificate. The brochure indicates
that the certificate from a Tehsildar is sufficient. It does not show that the
Tehsildar of the nativity was required to issue the certificate. The father of
the respondent being already in enjoyment of the status as Kondakapu in
Government Service, it is an important conclusive material to decide the
issue. The Director, therefore, was not correct in rejecting the social status.
The Single Judge had committed an error in relying upon the report of the
Director. Having giving our anxious consideration, we are of the view that
the Division Bench has succumbed to the fraud played by the respondent
and his father to secure false social status as Kondakapu while they are
kapus by caste, a forward caste in Andhra Pradesh.

The Presidential notification clearly mentions that Konda Kapus and
Konda Reddies are Scheduled Tribes in Andhra Pradesh. It cannot be
disputed that Kapus and Reddies are plain people who are regarded as
forward castes belong to the main stream of the society and are of upper
social strata. The endemic characteristic of Scheduled Tribes and plain
people are distinct, different and never in common. Konda Kapu and
Konda Reddies live in tribal areas of forest, mountainous tracks and
shifting cultivation and gathering of minor forest produce is their main
avocation. The Totamics clearly differentiate and demarcate them from the
plain people of Kapus and Reddies. Their customs, marriages are different.
The Government in G.O. Ms. No. 147 dated April 27, 1977 of Social
Welfare Department clearly mentioned that the Tehsildar or Revenue
Divisional Officer or Assistant Collector or Sub Collector of the Taluk or
Divisional Districts in respect of which the members claim nativity are
competent to issue social status certificates. In the same G.O. Konda Kapus
and Konda Reddies has been enumerated to be Scheduled Tribes. In G.O.
Ms. No. 245 dated June 30, 1977 Social Welfare Department enumerated
distinct groups of tribes different from plains. Kapus and Reddies do not
have any similarly in their social habits and culture. There was no common
social or economic patterns. In order to establish whether a particular

candidate belong to any of the Schedule Tribe/group diverse ethnic or cultural identifies were mentioned. In Annexure I of the G.O. the candidates are required to furnish the particulars prescribed therein. The competent officer was to verify and satisfy himself of the true social status of the candidate before issuing the social status certificate. The same was further enumerated and elaborated in G.O. Ms. No. 289 dated November 26, 1986, after the dispute in this case had arisen with which we are not concerned in this appeal. The orders also specifically say that whoever was given or taken false caste certificate are liable to be prosecuted. The officer be penalised in Departmental proceedings for dereliction the duty including dismissal from service when found that officer deliberately issued false certificates.

The learned Single Judge has pointed out that in Writ Petition No. 9071/82 filed by the sister of the respondent, the father of the respondent and his sister were called upon to produce the social status certificate from the native Tehsildar or the Revenue Division Officer but they failed to produce the same. It was also noted that Vasudeva Rao Brother of Hanumantha Rao has a son by name Ravi Kumar. He also claimed social status as a Konda Kapu for admission into M.B.B.S. Course. His Writ Petition No. 6637/79 was disposed of on November 3, 1979 finding that L. Ravi Kumar's claim for social status as Konda Kapu was doubted. The matter was referred to the Director wherein it was held that Ravi Kumar was not Konda Kapu. We agree with the learned counsel for the appellant that the High Court adopted a traditional approach of a placing burden of proof of social status founded on the entries in Government record etc. and called upon the State to rebut it on the touch-stone of Evidence Act. We are unable to appreciate the view taken by the Division Bench. Burden of proof of social status is always on the person who profess it to seek constitutional socio-economic advantages. It is no part of the duty of the State to disprove or otherwise. The criteria to obtain caste certificate from native Tahsildar/Mandal Revenue Officer/Revenue Divisional Officer is relevant for the reason that Scheduled Tribes generally live in forest areas, mountainous regions and specified; pockets and will be known to local officers or easily accessible for verification. The respondent is not as innocent as the Division Bench appears to have presumed him to be. It is seen that the father of the respondent deliberately abstained to appear before the Director. The social status certificate to the daughter was required to be produced from the Tahsildar of the native jurisdiction but

A failed. Though he lived in Malakpet within the jurisdiction of Musheerabad Tahsildar, he produced the certificate from Tehsildar, Vallabhnagar in Ranga Reddy District who had no jurisdiction to issue it. Yet he had chosen to obtain from him and the officer was a willing and accommodating one to issue false certificate. When the Principal doubted its correctness and referred the matter to the Director of Tribal Welfare, the father admittedly did not appear to establish the social status. Though respondent, minor appeared before the Director, his statement cannot be used as evidence. His father is a Government servant. He knows the consequences and so he deliberately absented from being present before Director. Instead he chose to send his son with records. The Director considered the record and concluded that the respondent is not a Scheduled Tribe but he is a "Kapu" by caste as evidenced by the school certificate of his father declared to be a Kapu. It bears evidentiary value and relevant material evidence. The subsequent record manufactured by his father and his continuance in service on that basis, even if it is accepted by the Department, is not conclusive and cannot be implicitly relied as gospel truth. The totamic characteristic are required to be satisfied as noted in detail in the Annexure I of the G.O., referred herein before. They had not satisfied the Director by furnishing those characteristic for verification and to take a decision thereon. The Division Bench had totally omitted to consider all these aspects and characterised the finding of the Director to be based on conjectures and surmises. It is an accepted position that the Director, Tribal Department established a research wing and made scientific study of the endemic characteristic, cultural moorings, habits, their modes of marriages customs etc. of different particular tribal community. The questionnaire was prepared as per the Annexure in the G.O. obviously, knowing that he cannot satisfy the required features, the father of respondent deliberately abstained to appear before the Director, Tribal Welfare. Instead he got filed the writ petition in the High Court put the burden of proof on the State that the Court relieved the father of proving the status of his son's claim to be not a Scheduled Tribe. This Court while considering the similar claims and school register of the father of Madhuri and Saritha in *Kumari Madhuri Patil & Anr., v. Addl. Commissioner, Tribal Development and Ors.*, [1994] 6 SCC 241, held that the entry in the school certificate of the caste of the father bears relevance and would prove to be false claim as Scheduled Tribe. This Court has laid guidelines how the matter required to be dealt with and stated in paragraph 13 thereof :

The admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates envisaged of the benefits conferred on them by the Constitution. By reason thereof, the genuine candidates would be denied admission to professional courses etc. or appointments to office or posts under a State instrumentalities. More often they are denied social status certificate while ineligible or spurious persons easily would secure them. After falsely gaining entry, resort to dilatory tactics and create hurdles in completion of the inquiries by the Scrutiny Committee. It is the parent or the guardian who may play fraud claiming false status certificate to his child. It is, therefore, necessary that the certificates issued are scrutinised at the earliest and with utmost expedition and promptitude. For that purpose, it is necessary to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval which may be the following :

1. The application for grant of social status certificate shall be made to the Revenue Sub-Divisional Officer and Deputy Collector or Deputy Commissioner and the certificate shall be issued by such officer rather than by the Officer like Taluk or Mandal level.

2. The parent, guardian or the candidate, as the case may be, shall file an affidavit duly sworn and attested by a competent gazetted officer or non-gazetted officer with particulars of castes and sub-castes, tribe, tribal community, parts or groups of tribes or tribal communities, the place from which he originally hails from and other particulars as may be prescribed by the Directorate concerned.

3. Application for verification of the caste certificate by the Scrutiny Committee shall be filed at least six months in advance before seeking admission into educational institution or an appointment to a post.

4. All the State Governments shall constitute a Committee of three officers, namely, (I) an Additional or Joint Secretary or any officer higher in rank of the Director of the department concerned, (II) the Director, Social Welfare/Tribal Welfare/Backward Class Welfare, as the the case may be, and (II) in the case of Scheduled Castes another officer who has intimate knowledge in the verification and issuance of the social status certificates. In the case of the Scheduled Tribes, the Research Officer who has intimate knowledge in identifying the tribes, tribal, tribal communities, parts of or groups of tribes or tribal communities.

A 5. Each Directorate should constitute a vigilance cell consisting of
Senior Deputy Superintendent of Police in over-all charge and such number
B or Police Inspectors to investigate into the social status claims. The
Inspector would go to the local place of residence and original place from
C which the candidate hails and usually resides or in case of migration to the
town or city, the place from which he originally hailed from. The vigilance
D officer should personally verify and collect all the facts of the social status
claimed by the candidate or the parent or guardian, as the case may be.
He should also examine the school records, birth registration, if any. He
should also examine the parent, guardian or the candidate in relation to
their caste etc. or such other persons who have knowledge of the social
status of the candidate and then submit a report to the Directorate together
with all particulars as envisaged in the proforma, in particular, of the
Scheduled Tribes relating to their peculiar anthropological and ethnological
traits, deity rituals, customs, mode of marriage, death ceremonies
method of burial of dead bodies etc. by the castes or tribes or tribal
communities concerned etc.

6. The Director concerned, on receipt of the report from the
vigilance officer if he found the claim for social status to be "not genuine"
or 'doubtful' or spurious or falsely or wrongly claimed, the Director concerned
E should issue show-cause notice supplying a copy of the report of the
vigilance officer to the candidate by a registered post with acknowledgment
due or through the head of the educational institution concerned in which
the candidate is studying or employed. The notice should indicate that the
representation or reply, if any would be made within two weeks from the
date of the receipt of the notice and in no case on request not
F more than 30 days from the date of the receipt of the notice. In case, the
candidate seeks for an opportunity of hearing and claims an inquiry to be
made in that behalf, the Director on receipt of such representation/reply
shall convene the committee and the Joint/Additional Secretary as Chair-
person who shall give reasonable opportunity to the candidate/parent/guardian
to adduce all evidence in support of their claim. A public notice by
G beat of drum or any other convenient made may be published in the village
or locality and if any person or association opposes such a claim, an
opportunity to adduce evidence may be given to him/it. After giving such
opportunity either in person or through counsel, the Committee may make
such inquiry as it deems expedient and consider the claims *vis-a-vis* the
H objections raised by the candidate or opponent and pass an appropriate

order with brief reasons in support thereof.

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7. In case the report is in favour of the candidate and found to be genuine and true, no further action need be taken except where the report or the particulars given are procured or found to be false or fraudulently obtained and in the latter event the same procedure as is envisaged in para 6 be followed.

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8. Notice contemplated in para 6 should be issued to the parents/guardian also in case candidate is minor to appear before the Committee with all evidence in his or their support of the claim for the social status certificates.

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9. The inquiry should be completed as expeditiously as possible preferably by day-to-day proceedings within such period not exceeding two months. If after inquiry, the Caste Scrutiny Committee finds the claim to be false or spurious, they should pass an order cancelling the certificate issued and confiscate the same. It should communicate within one month from the date of the conclusion of the proceedings the result of enquiry to the parent/guardian and the applicant.

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10. In case of any delay in finalising the proceedings, and the meanwhile the last date for admission into an educational institution or appointment to an officer post, is getting expired, the candidate be admitted by the Principal or such other authority competent in that behalf or appointed on the basis of the social status certificate already issued or an affidavit duly sworn by the parent/guardian/candidate before the competent officer of non-official and such admission or appointment should be only provisional, subject to the result of the inquiry by the Scrutiny Committee.

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11. The order passed by the Committee shall be final and conclusive only subject to the proceedings under Article 226 of the Constitution.

12. No suit or other proceedings before any other authority should lie.

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13. The High Court would dispose of these cases as expeditiously as possible within a period of three months. In case, as per its procedure, the writ petition/miscellaneous petition/matter is disposed of by a Single Judge, then no further appeal would lie against that order to the Division Bench but subject to special leave under Article 136.

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A 14. In case, the certificate obtained or social status claimed is found to be false, the parent/guardian/the candidate should be prosecuted for making claim. If the prosecution ends in a conviction and sentence of the accused, it could be regarded as an offence involving moral turpitude, disqualification for elective posts or offices under the State or the Union or elections to any local body, legislature or Parliament.

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15. As soon as the finding is recorded by the Scrutiny Committee holding that the certificate obtained was false, on its cancellation and confiscation simultaneously, it should be communicated to be educational institution concerned or the appointing authority by registered post with acknowledgment due with a request to cancel the admission of the appointment. The Principle etc. of the educational institution responsible for making the admission or the appointing authority, should cancel the admission/appointment without any further notice to the candidate and debar the candidate from further study or continue in office in a post.

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While reiterating the above guidelines to be workable principles, it is high time that the Government of India would have the matter examined in greater detail and bring about a uniform legislation with necessary guidelines and rules prescribing penal consequences on persons who flout the Constitution and corner the benefits reserved for the real tribals etc. etc., so that the menace of fabricating the false records and to gain unconstitutional advantages by plain/spurious persons could be prevented. Lest they would defeat the Constitutional objective of rendering socio-economic justice envisaged under Article 46 in the Preamble of the Constitution under Articles 14, 15, 16, 38 and 39.

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By orders of the High Court the respondent had already completed his engineering course, though he play fraud on the Constitution depriving the real tribal of the benefit of the education as an engineer. He was minor at the relevant time. So nothing can be done except declaring that he is not tribal and that he is not entitled to any employment or any other advantage on the basis of his false status as Scheduled Tribe, namely, Kondakapu. His father did not appear before the Director and he is not before this Court to direct the Govt. to lay prosecution. Accordingly the appeal is allowed with costs quantified at Rs. 25,000 to defray the amount spent on the respondent.

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D.K.T.

Appeal allowed.