

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

PUBLIC INTEREST LITIGATION No.45 OF 2015

DATED: 02.03.2015

Between:

Sri Tangirala Paramjyothi

... Petitioner

and

The State of Telangana and others

... Respondents

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

PUBLIC INTEREST LITIGATION No.45 of 2015

—
ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

On the strength of the Bombay High Court judgment, this Public Interest Litigation has been filed asking for a declaration that the action of the second respondent in not recognizing “no religion” as a form of religion, insisting on writing/mentioning/specifying/quoting religion in any of its forms or declarations which are to be filled in by a citizen, further in not issuing orders to all the departments in our State to incorporate the same and not giving any other suitable guidelines as requested in the petitioner’s representation dated 20.10.2014 as illegal, arbitrary, against the principles of natural justice and violation of Article 25 of the Constitution of India.

The grievance of the petitioner is that various Government departments prescribed a format wherein the religion of an applicant has to be disclosed. The petitioner says that he has no religion. According to us, this action is premature. If the authority concerned prescribed a format asking for disclosure of religion, it is for the person/individual

either to disclose or not to disclose. In the event of non-disclosure of the religion, any civil and evil consequence follows; in other words, any affectation of right ensured by the Constitution or law is caused because of non-disclosure, only then action may be taken before competent Court of law. Unless and until such affectation takes place, this sort of litigation shall not be entertained for Article 25 of the Constitution of India clearly provides with qualification that any individual can profess, practice and propagate any religion. According to us this right has been guaranteed unlike Article 19 of the Constitution of India to any person including foreigners. This constitutional right is provided designing to ensure secularism which in our view any person can profess, practice and propagate not only his/her religion other religion also. If any order is passed as prayed for by this Court then, according to us, it would be gagging of fundamental right of whole Section of people. As we say, this matter can be looked into individually. Therefore, when such cause arises, the petitioner will be free to approach individually before appropriate forum.

The Public Interest Litigation is therefore dismissed.
No order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

K.J. SENGUPTA, CJ

2nd MARCH, 2015.

SANJAY KUMAR, J

kvni