

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.30709 of 2011

Dated 29th July, 2015

Between:

M.Peddanna and others

...Petitioners

And

The State of A.P., rep.by its Principal Secretary, Social Welfare
Department, Secretariat, Hyderabad and others

...Respondents

Counsel for the petitioners: Sri Prasad Babu D.S.N.V.
for Smt.D.Lalitha Prasad

Counsel for the respondents: AGP for Social Welfare (AP)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to declare the action of the respondents in not extending the benefits under the A.P.Micro Irrigation Scheme to the petitioners, who belong to Budaga Jangam Community as illegal and arbitrary.

At the hearing, Sri Prasad Babu D.S.N.V., learned counsel, representing Smt.D.Lalitha Prasad, learned counsel for the petitioners, submitted that his clients have obtained Community, Nativity and Date of Birth certificates as far back as the year 2004, wherein they have been described as belonging to Budaga Jangam Community, which is recognised as Scheduled Caste (SC). He has further stated that under the Micro Irrigation Scheme, the persons belonging to SC and ST categories are considered for extension of the benefits under the said Scheme and that on the premise that the petitioners who are living in Kurnool District do not belong to Budaga Jangam Community, they are

being denied the benefits under the Scheme.

In the counter affidavit filed by respondent No.3, it is *inter alia* stated that 'Budaga Jangam' cannot be treated as SC category in other areas than Telangana, in view of the amendment to the Constitution (Scheduled Caste) Order, 1950 (for short 'the Constitution Order') in the year 2002 and that the said amendment is not challenged in this writ petition.

The learned counsel for the petitioners has not disputed that as per the amendment to the Constitution Order in the year 2002, the persons who can claim to belong to Budaga Jangam Community must be the natives of the Telangana area only and that those reside outside the Telangana State cannot be considered as belonging to the said Community. The learned counsel has, however, submitted that a batch of writ petitions questioning the said Amendment is pending in this Court.

In my opinion, till the amendment to the Constitution Order is set aside by the competent Court, the petitioners who are admittedly the residents of Kurnool District, which is not a part of the Telangana State, are not entitled to be treated as belonging to SC category only because of the fact that they hold certificates describing them as belonging to Budaga Jangam caste.

In this view of the matter, I do not find any merit in the writ petition and the same is accordingly dismissed, however, with liberty to the petitioners to apply to the respondents for conferment of benefits under the Micro Irrigation Scheme in the event the amendment to the Constitution Order is set aside by this Court.

As a sequel to dismissal of the writ petition, W.P.M.P.No.38072 of 2011 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

29th July, 2015
VGB