

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

Writ Petition No.31976 of 2012

Dated 29.07.2015

—

Between:

Smt.G.Nirmala Devi

... Petitioner

and

—

Dr.NTR University of Health Sciences,

Gunadala, Vijayawada,

rep. by its Registrar and 5 others.

...Respondents

**Counsel for the petitioner: Mr.T.Balamohan Reddy
for Mr.Vinod Kumar Tadakamalla**

**Counsel for respondent No.1: Mr.A.Prabhakar Rao,
SC for University**

Counsel for respondent No.2: Mr.VV.Anil Kumar

Counsel for respondent No.6: Ms.G.Sindhu for Mr.K.Chidambaram

Counsel for respondent Nos.3, 4 & 5: None appeared

The Court made the following:

Order:

This Writ Petition is filed for a Mandamus to declare the action of respondent Nos.1 and 2, in not cancelling the educational certificates of respondent No.6 even after cancellation of his caste certificate by respondent No.4 *vide* order, dated 11-04-2011, in Rc.No.C4/1050/2009, as illegal and arbitrary.

The petitioner is the mother-in-law of respondent No.6. Due to matrimonial differences between respondent No.6 and his wife, the latter appeared to have assumed the role of a whistleblower complaining against her son-in-law that he has secured admission in the Medical College, obviously, by claiming that he belongs to BC-A category. On her complaint, an enquiry was initiated by respondent No.5 under the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Castes) Regulation of Issue of Community Certificates Act, 1993, and by Order, dated 11-04-2011, respondent No.5 has cancelled the caste certificate issued to respondent No.6.

Armed with the said Order, the petitioner has approached respondent Nos.1 and 2 for cancellation of the MBBS Degree as well as registration of respondent No.6 as medical practitioner on the rolls of respondent No.2- Medical Council. As no action was forthcoming from the said respondents, the petitioner filed this Writ Petition.

At the hearing, Ms.Sindhu, learned Counsel representing Mr.K.Chidambaram, learned Counsel for respondent No.6, submitted that as against Order, dated 11-04-2011, passed by respondent No.5 cancelling his caste certificate, respondent No.6 has filed a statutory appeal before the Government; that

feeling aggrieved by non-granting of interim order therein by the Government, he has approached this Court by filing WP.No.38823 of 2012; and that by Order, dated 18-12-2012, this Court, while disposing of the Writ Petition, suspended the order of respondent No.5, pending the appeal before the Government. A copy of the said order has been placed by the learned Counsel before the Court.

Neither Mr.T.Bala Mohan Reddy, learned Counsel for the petitioner, nor Mr.A.Prabhakar Rao, learned Standing Counsel for respondent No.1- Dr.NTR University of Health Sciences, has disputed the fact that the order of respondent No.5 cancelling the caste certificate of respondent No.6 is the subject matter of the appeal and that the said order has been suspended by this Court in WP.No.38823 of 2012, pending the appeal before the Government. In the light of these facts, at this moment, no Mandamus as sought can be issued. The petitioner can only resume her legal battle against respondent No.6 after disposal of his appeal by the State Government.

Subject to the liberty given to the petitioner as above, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.40777 of 2012, filed by the petitioner for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

Dt: 29th July, 2015

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