

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

WRIT PETITION No. 13096 of 2012

Between:

Shaik Pulla Saheb

.. Petitioner

and

The Government of India, Ministry of Culture,
Rep. by Secretary, New Delhi

.. Respondent(s)

DATE OF JUDGMENT PRONOUNCED:21.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 13096 of 2012

ORDER:

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Heard learned counsel for the petitioner and learned Assistant Solicitor General appearing for the respondent. With the consent of both the parties, the main writ petition itself is heard at the admission stage.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the order dated 27.09.2011 passed by the respondent vide F.No.10-31/2011-Akademies, as illegal, arbitrary and violative of the principles of natural justice.

The averments made in the affidavit filed in support of the writ petition are as under:

The petitioner is an Artist (Sannayi) since long time and was given certification from various organizations recognizing his merit. The Government of India has formulated a scheme namely "Scheme of Financial Assistance to Persons Distinguished in Letter, Arts and such other Walks of Life who may be in indigent circumstances and their dependents" (for short "the Scheme"). Since the petitioner falls within the parameters laid down in the Scheme, he applied for pension in the year 2010. It is stated that without appreciating the documentary evidence, without conducting any proper enquiry and without assigning any reasons, the respondent passed the following order on 27.09.2011:

"I am directed to inform you that your name was considered by the Expert Committee in its Meeting held on 14th & 15th July, 2011, but the same was not approved for grant of financial assistance."

Questioning the said order, the present writ petition is filed.

The learned counsel for the petitioner mainly submits that the order under challenge is ex facie illegal and no reasons are given as to why the application of the petitioner was not approved for grant of financial assistance.

The learned Assistant Solicitor General appearing for the respondent would submit that the matter may be remanded back to the respondent for passing a reasoned order.

A perusal of the material placed before the Court would show that on 27.09.2011, the Under Secretary to the Government of India, Ministry of Culture, New Delhi, wrote a letter to the petitioner stating that his name was considered by the Expert Committee in its Meeting held on 14th & 15th July, 2011, but the same was not approved for grant of financial assistance. Thereafter i.e., in the month of December, 2011, the petitioner made an application, under the Right to Information Act, 2005, to the Under Secretary, Government of India, seeking reasons for not approving his name for grant of financial assistance under the Scheme. Pursuant to which, the Under Secretary to the Government of India wrote a letter dated 03.01.2012 reiterating what has been mentioned by him in the impugned order dated 27.09.2011. A perusal of the impugned order clearly shows that no reasons were given for rejecting the

request of the petitioner. The learned counsel for the petitioner submits that the opinion expressed by the Expert Committee while rejecting the request of the petitioner was also not communicated to the petitioner and the only material that was communicated to the petitioner was the impugned order.

In view of the above and taking into consideration the submission made by the learned Assistant Solicitor General, the Writ Petition is allowed and the matter is remanded back to the respondent directing him to pass a reasoned order within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

21st July, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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