



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P(MD)No.18233 of 2015

and

C.M.P(MD)Nos.10610 and 15200 of 2016

Reddiarkal Nalasangam,
represented by its
Secretary,
having registered office
at 5/31, East Last Street,
Anna Nagar,
Madurai - 625 020.

... Petitioner

Vs.

1. The Secretary to Government,
Ministry of Social Justice and Empowerment,
Government of India,
Shastri Bhavan,
New Delhi - 110 001.
2. The Member Secretary,
National Commission for Backward Classes,
Ministry of Social Justice and Empowerment,
Government of India,
Trikoote, Bhikaji Cama Place,
R.K.Puram,
New Delhi - 110 066.
3. The Director,
Backward Classes Department,
Government of Tamil Nadu,
Chepauk, Chennai - 600 005.
4. The Registrar General of India,
Social Studies Division,
North Wing, 1st Floor,
Sewa Bhavan,
New Delhi - 110 066.



5. The Secretary to Government,
Ministry of Housing and Urban Poverty Alleviation,
Government of India,
Shastri Bhavan,
New Delhi - 110 001.

6. The Secretary to Government,
Ministry of Rural Development,
Government of India,
Shastri Bhavan,
New Delhi - 110 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order bearing NCBC advise No.123/Tamil Nadu/2015, dated 22.01.2015, issued by the second respondent r/w the order of the first respondent in No.12018/05/2012-BC-II dated 05.02.2015 and quash the same and consequently, direct the respondents 1 and 2 to include 'Reddy (Ganjam)' / Ganjam Reddy in the Backward Class list.

(Prayer amended vider Court Order dated 11.11.2016 in WMP No.15199/2016)

For Petitioner : Mr.K.Govindarajan
for Mr.Vineet Subramani

For Respondents : Mr.G.R.Swaminathan
Assistant Solicitor General of India
for R.1, R.2, R.4 to R.6
Mr.A.K.Baskarapandian,
Special Government Pleader for R.3

ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the writ petition is taken up for final hearing.

2. The petitioner who claims to be the Secretary of the petitioner Sangam, is aggrieved by the fact that in the report submitted before the Mandal Commission to identify the Other Backward Classes (OBC) pertaining to Tamil Nadu, Ganjam Reddy community has been omitted and in this regard, they have also approached the second respondent, who vide proceedings dated 22.01.2015, has found that such a request cannot be accepted and given advice to the Central Government under Section 9(1) of the National Commission for Backward Classes Act, 1993, to reject the said request for inclusion of 'Reddy (Ganjam)' caste/community in the Central List of Other Backward Classes and subsequently, the



amendment of the prayer for challenging the legality of the said order dated 22.01.2015, was ordered, vide order of this Court dated 11.11.2016 made in W.M.P(MD)No.15199 of 2016 in W.P(MD)No.18233 of 2015.

3. Mr.K.Govindarajan, learned Counsel for the petitioner would submit that since the petitioner Sangam is in possession of overwhelming materials to show that it ought to have been included in the Central List of Other Backward Classes, a chance may be given to submit the materials before the second respondent with a direction to consider the same afresh, after giving an opportunity of personal hearing.

4. Per contra, Mr.G.R.Swaminathan, learned Assistant Solicitor General of India, who accepts notice on behalf of the respondents 1, 2, 4 to 6, would contend that all the materials placed before the second respondent have been taken into consideration and the order of rejection came to be passed and as such, there is no need to revisit the same and therefore, he prays for the dismissal of the writ petition.

5. In the light of the submission made by the learned Counsel for the petitioner Sangam, this Court is of the view that one more opportunity is to be afforded to the petitioner Sangam so as to submit a detailed representation enclosing all the relevant documents to the second respondent with a further direction to consider the same and pass orders after affording the opportunity of personal hearing to the representative of the petitioner Sangam.

6. In the result, this writ petition is disposed of and the petitioner Sangam is at liberty to submit a detailed representation along with the documents of sterling quality to the second respondent within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent shall look into the issue afresh and consider the same after affording the opportunity of personal hearing to the representative of the petitioner Sangam and pass orders on merits and in accordance with law as expeditiously as possible, not later than three months thereafter and communicate the decision taken to the petitioner Sangam. No costs. Consequently, the connected civil miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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Shastri Bhavan,
New Delhi - 110 001.

+ 1 CC TO Mr.VINEET SUBRAMANI, ADVOCATE IN SR No. 73420
+ 1 CC TO Mr.G.R.SWAMINATHAN, ADVOCATE IN SR No. 73421

RSB

TE/SS-3/SAR-I : 29/11/2016 : 4P/9C

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