

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

WRIT PETITION Nos. 25231 of 2008 and 1747 of 2010

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COMMON ORDER: (*Per VRS,J*)

Both these writ petitions challenge a Government Order in G.O.Ms.No.55, Backward Classes Welfare (C2) Department, dated 23.09.2008, by which a Chair-person as well as the Members of the Andhra Pradesh Commission for Backward Classes were appointed by the Government, for a period of three years, from the date of assumption of office.

2. Heard Mr. S.C. Rangappa and Mr. M. Pitchaiah, learned counsel for the petitioners, learned Government Pleader for the State of Telangana, learned Government for the State of Andhra Pradesh and Mr. T. Rajendra Prasad and Mr. Chetluru Sreenivas, learned counsel appearing for the private respondents.

3. Despite the fact that the term of office of the respondents 3 to 6 in the second writ petition and the

respondents 2 and 3 in the first writ petition has already come to an end by the year 2011 itself and that the Commission for Backward Classes was re-constituted thereafter at least twice, the learned counsel for the petitioners insisted upon making submissions for the purpose of seeking a declaration that the persons appointed under the impugned Government Order were not experts and they ought not to have been appointed.

4. In sum and substance, the contention of the learned counsel for the petitioners is that as per the law laid down in Paragraph 847 of the decision of the Supreme Court in the Mandal Commission Case (***Indra Sawhney and others Vs. Union of India***^[1]), the Commission for Backward Classes should comprise of the experts in the field; that as per the law laid down by this Court in ***B. Archana Reddy and others Vs. State of Andhra Pradesh***^[2] and ***T. Muralidhar Rao Vs. State of Andhra Pradesh and others***^[3], these persons should be experts in the matter of identification of backward classes; that the bio-data of the respondents 3 to 6 did not disclose that they were experts; that it was not even indicated whether the respondents

4 and 5 were appointed under the category of social scientist or expert; that apart from the bio-data of the respondents 3 to 6, which did not disclose that they were experts, there was no other material, indicating a total non-application of mind on the part of the respondents; that due to the appointment of such persons, two contradictory recommendations came to be made by the very same Commission, with respect to the social status of Muslims in the State, which ultimately got set aside by this Court; that this legal fiasco led to the appointment of an outside expert, by name, P.S. Krishna, over and above the Commission; and that, therefore, this Court should issue a declaration that the respondents 3 to 6 were non-experts and they ought not to have been appointed.

5. But time and again, the Supreme Court has said that a Court will not undertake an academic exercise. The only prayer in W.P.No.25231 of 2008 is to issue a writ of *quo warranto* and to set aside G.O.Ms.No.55. Today, that prayer has become infructuous in view of the fact that the respondents 3 to 6 have already completed their tenure of office.

6. In W.P.No.1747 of 2010, there are two reliefs sought, the first of which is for a declaration that the

respondents 3 to 6 are not experts, as envisaged by the Supreme Court in Paragraph 847 of its decision in ***Indra Sawhney (1 supra)***. Such a declaration will not be issued by the Court for the purpose of testing the appointment in a postmortem exercise undertaken by the Court, after they have demitted the office. Therefore, both the Writ Petitions are dismissed.

Consequently, miscellaneous petitions if any pending in the writ petitions shall stand dismissed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

**A. SHANKAR
NARAYANA, J.**

5th July, 2016
cbs



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[\[1\]](#) 1992 (Supp.3) SCC 217

[\[2\]](#) 2005 (6) ALD 582

[\[3\]](#) 2004(6) ALD 1