

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.15598 OF 2013

Dated:22.09.2016

Between:

M. Sravan Kumar, S/o. Sri Sudhakar,
Hindu, Age 28 years, Occ: Student,
R/o.Koverapalem Village, T.P. Guduru
Mandal, SPSR Nellore District

.. Petitioner

AND

State of Andhra Pradesh, rep., by its
Principal Secretary, Social Welfare
Department, Secretariat, Hyderabad
and another

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

This Writ Petition is filed for the following relief:

“... to issue an appropriate Writ, Order or Direction more particularly one in the nature of *Writ of Mandamus* directing the respondents and their subordinates to consider the case of the petitioner for admission into PG Medical Degree and Diploma Courses for the academic year 2013-14 under S.C. category basing on the Community Certificate bearing D.Dis.2692/2005, dated 28.09.2005 issued by the Revenue Divisional Officer, Nellore regarding the petitioner's social status as Budaga Jangam (SC Caste) and consequently direct the 2nd respondent herein to consider the candidature of the petitioner for admission into PG Medical Degree and Diploma Courses for the academic year 2013-14 under S.C. category (Bugada Jangam caste) on the basis of the S.C. Caste Certificate issued to the petitioner by the Revenue Divisional Officer, Nellore by granting admission to the petitioner in the said courses and pass such other further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

By order dated 04.06.2013 in W.P.M.P.No.18893 of 2013,
this Court passed the following interim order:

“Learned Assistant Government Pleader for Social Welfare takes notice for respondent No.1 and seeks time for filing counter affidavit.

Notice to respondent No.2 only.

At the hearing, it has come out that a batch of writ petition filed raising identical issues pertaining to Budaga Jangam Community social status in Andhra area are pending and interim orders have been passed therein.

In view of the same, respondent No.2 is directed to consider the petitioner's case for admission into PG Medical

Degree and Diploma Courses for the academic year 2013-14 under S.C. category based on the Community Certificate bearing No.D.Dis.2692/2005, dated 28.09.2005, issued by the Revenue Divisional Officer, Nellore.”

Learned counsel for the petitioner submits that pursuant to the above interim order, the petitioner was granted admission into PG Medical Degree course and he has completed the course.

On merits, learned counsel for the petitioner submits that the social status certificate was issued declaring the petitioner as belonging to S.C. Community vide certificate D.Dis.No.2692/2005, dated 28.09.2005, and unless the said certificate is cancelled, the benefits, which flow from the said certificate, cannot be denied and any action denying the benefits as long as the certificate of social status is not cancelled amounts to arbitrary exercise of power and illegal. In support of the same, learned counsel for the petitioner has placed reliance on the decision of this Court in W.P.No.18807 of 2008 and batch dated 08.07.2013, wherein leaned Single Judge held as under:

“In my opinion, as long as the certificate granted to the petitioners by the competent authority under the Act stands and is not cancelled under Section 5 of the Act, they cannot be denied the benefits which flow from the said certificate. It is always open to the competent authority under the Act to take steps against petitioners by initiating steps to cancel the community certificate issued to them under Section 5 of the Act by following the principles of natural justice.”

Following the said decision, this Writ Petition is also disposed of. While granting liberty to the competent authority

under the Andhra Pradesh (SC, ST & BC) Regulation of Issue of Community Certificates Act, 1993, if so advised, to take appropriate steps for cancelling the community certificate issued to the petitioner, the respondents are directed to give effect to the certificate issued in favour of the petitioner till the same is cancelled in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

Date:22.09.2016

KH

P. NAVEEN RAO, J

