

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT. JUSTICE T.RAJANI

Writ Petition No.27637 of 2017

Order: (per V.Ramasubramanian, J.)

The petitioner has come up with the above writ petition with the grievance that he has not been treated as a local candidate in terms of the Presidential Order, 1974, on account of the petitioner not satisfying the requirements of para-4(1) and para-4(2) of the Presidential Order.

2. Heard Mr. V.V.N. Narasimham, learned counsel for the petitioner and Mr. Taddi Nageswara Rao, learned Standing Counsel for the 3rd respondent/University.

3. The petitioner's parents hail from the State of Andhra Pradesh. But the petitioner's father was employed in the Army and was posted in Srinagar in the State of Jammu and Kashmir. Therefore, the period stipulated in para-4(1) and para-4(2) of the Presidential Order got disrupted, leaving the petitioner as a non-local in both the States.

4. The justifiability of such an action on the part of the respondents became the subject matter of a writ petition in W.P.No.29133 of 2016 last year. By an order dated 30-8-2016 a Division Bench of this Court, to which one of us (VRS, J.) is a party, allowed the writ petition filed by the petitioner therein. The last paragraph of the order dated 30-8-2016 reads as follows:

“But we do not agree. A person, who is a native of the State of A.P., but who was made to travel all over the country, on account of her father serving the nation, cannot be considered as a non-local. When the persons, who migrated from the State, generations go to different countries and become successful in life, are celebrated by every State as a native of their own State, persons who serve the nation cannot be disowned. The logic that applies to the people, who succeed in life, should also apply to the people who want to be successful in life. Therefore, the writ petition is allowed directing the respondents to treat the petitioner as a local candidate, in view of her nativity in the State of Andhra Pradesh. There shall be no order as to costs.”

5. As against the aforesaid order, no appeal appears to have been preferred. The said order has attained finality. Therefore, the writ petition is allowed directing the respondents to treat the petitioner as a local candidate. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

T.RAJANI, J.

11th September, 2017.
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(per VRS, J.)



11th September, 2017.
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