

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.23868 of 2017

ORDER:

Heard the learned counsel for the petitioner and also the learned Standing Counsel Sri T.Nageshwar Rao representing respondent No.2 and the learned Govt.Pleader for Education for respondent No.1. The respondents 3 to 5 are no way necessary parties to the writ petition. Perused the prayer in the writ petition with supporting affidavit and the so called covered order in Writ Petition 23509 of 2016 dated 26.07.2016.

2.The prayer in the writ petition reads as follows:-

"To issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.2 in insisting the petitioner to produce fresh social status certificate for admission into MBBS/ BDS course for the academic year 2017-18 as highly illegal, arbitrary, unjust and contrary to Section 4 of the A.P.(Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 r/w Rule 16 of the A.P.(Scheduled Castes, Scheduled Tribes and Backward Classes) issue of Community, Rules, 1997 and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case."

3. The averments of the supporting affidavit are that despite the petitioner has a proof as belongs to Scheduled Caste(SC) within one of the categories in Scheduled Castes and obtained certificate under the Act 16/ 1993 in proof of it and produced, the respondents are not considering admission of the petitioner.

4. In similar facts, the Division Bench of this Court in Writ Petition No.23509 of 2016 disposed of the writ petition and the operative portion of which at paras-3 and 4 reads as follows:-

“3. Learned counsel for petitioner, at the outset, submits that though petitioner appeared for EAMCET-2016 for seeking admission for one of the courses including MBBS, BDS, Pharm-D etc., he has instructions to submit that she would not claim seat for MBBS/ BDS since her score is less than 64 marks. He, however, submits that her claim for admission may be considered for other courses, if she is otherwise eligible on the basis of the marks secured by her and on the basis of original Community, Nativity and Date of Birth Certificate issued by the concerned authority in 2007.

4. It appears that the above certificate was issued by the concerned authority under the provisions of the Andhra Pradesh (SC, ST and BCs) Regulation of Issue of Community Certificate Act, 1993. Genuineness of the certificate is not in dispute.”

5. Having regard to the above, the Writ Petition is disposed of directing the respondent No.2 to consider the petitioner's claim for admission either to the MBBS/ BDS or such other course if he is otherwise eligible and the original Community/ Nativity/ Date of birth certificate issued by the competent authority he shall produce for their verification and the respondents to permit the petitioner to counseling to be held stated on 20.07.2017.

6. Consequently, miscellaneous petitions, if any shall stand closed.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 19.07.2017

Note: Issue copy immediately.
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