

**THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.40363 OF 2016**

**ORDER:**

The case of the petitioners is that their father born and studied at Visakhapatnam and appointed in the Ministry of Defence in 1973 and served in the Ministry of Defence in various states throughout country from 27.08.1973 to 30.04.2012 and retired from service on attaining superannuation on 30.04.2012. The petitioners' mother is also native of Visakhapatnam and their grandfather also native of Visakhapatnam. Since the petitioners' father transferred from Chennai to Visakhapatnam in the year 1995 and he worked at Visakhapatnam till he attains the age of superannuation in the year 2012, the petitioners studied from 9<sup>th</sup> class onwards all further studies at Visakhapatnam only and also residing at Visakhapatnam till today. While so, the petitioners made an application to the 3<sup>rd</sup> respondent to issue caste and nativity certificate. But, the 3<sup>rd</sup> respondent issued only caste certificate on the base that the petitioners not studied 6<sup>th</sup> class to 8<sup>th</sup> class at Visakhapatnam. Aggrieved by the same, present writ petition is filed

Learned counsel for the petitioners submits that pending writ petition they have made application for grant of

nativity certificate, but no orders are passed. He also submits that by virtue of the Judgment dated 30.08.2016 passed by this Court in WP.No.29133 of 2016, petitioners have to be treated as local candidates.

Learned Assistant Government Pleader for Revenue submits that the petitioners have not made any application for grant of nativity certificate and that without any application, no relief can be granted.

In WP.No.29133 of 2016 this Court held that;

“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 ago 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.”

Since it is stated by the learned counsel for the petitioners that pending writ petition the petitioners already made application for grant of nativity certificate, the 3<sup>rd</sup> respondent is directed to consider the application of the

petitioners for grant of nativity certificate in terms of Judgment referred to above, within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

17.01.2017  
t k.

---

**A.RAJASHEKER REDDY, J**

