

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.25362 of 2017

ORDER:

Heard learned counsel for the petitioners and learned Government Pleader for the respondents.

The petitioners state that they are fishermen by profession and belonged to Backward Class community. They have been requesting the third respondent Society to admit them as members of the proposed Fishermen Cooperative Society, as they fulfilled the requisite eligibility criteria for being admitted as members of the Society. When they applied for admission in prescribed manner on 05.07.2017, the third respondent rejected their application, by order dated 19.07.2017, on the ground that they do not belong to one of the 30 communities which were indicated in G.O.Ms.No.98 dated 22.01.1964, the present Writ Petition is filed.

Learned counsel for the petitioners submits that this Court in W.P.No.34793 of 2013 dated 20.11.2015 set aside a similar order on the ground that consideration of the applications for being members of the Fishermen Societies is not restricted to 30 communities mentioned in the above Government Order and what the said Government Order read with G.O.Ms.No.74 dated 21.10.2011 states is that the application from the members of 30 communities should be given preference, but the applications of other communities shall not be rejected outright. That issue need not be gone into in the present circumstances, since the ultimate authority is the concerned Society to admit the members or reject them. The Assistant Director of Fisheries is only a forwarding authority of the applications received from the persons seeking membership in the Societies and hence he has to forward the applications by making his recommendations, if any and the ultimate authority is the Society to admit the members or reject them.

In view of the same, the impugned order dated 19.07.2017 is set aside and the third respondent shall forward the applications of the petitioners to the Society, as and when it is constituted, along with his recommendations for consideration of their applications for membership of the Society and it is for the said Society to take appropriate action in accordance with law.

The Writ Petition is, accordingly, allowed at the admission stage. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions pending in this Writ Petition, if any, shall stand closed.

31.08.2017
pln



A. RAMALINGESWARA RAO, J