

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**The Hon'ble Sri Justice V.RAMASUBRAMANIAN
and
The Hon'ble Sri Justice ABHINAND KUMAR SHAVILI**

Writ Petition No.12512 of 2013

Between:

Bhimishetty Udaysree, D/o Bhimishetty Adibabu,
Aged about 19 years, Occ: Student, R/o Plot No.6,
J.C. Enclave, Sharada Colony, Anakapalle

... Petitioner

Vs.

The Government of Andhra Pradesh, represented
By its Principal Secretary, Department of School
Education, Secretariat, Hyderabad and 10 others

.. Respondents

For Petitioner : Mr. V. Prabhakar Reddy

For Respondents : G.P. for Higher Education
G.P. for Revenue
B. Vijaysen Reddy,
A. Prabhakar Rao
D.S.N.V. Prasad Babu

HON'BLE MR JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE MRS. JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.12512 of 2013

ORDER: (V. Ramasubramanian, J)

The petitioner, who could not secure admission to MBBS course in the year 2011, came up with the above writ petition, challenging the inaction on the part of the official respondents, on a complaint given by her that the respondents 6 to 11 falsely claimed to belong to Backward Caste Communities and gained admission to MBBS course on the basis of Community Certificates obtained by such false representation.

2. Heard Mr. Veeramreddigari Prabhakar Reddy, learned counsel for the petitioner, learned Government Pleader appearing for respondents 1 to 4, Mr. Taddi Nageswara Rao, learned standing counsel appearing for the 5th respondent and Mr. B. Vijaysen Reddy, learned counsel for respondents 6 to 11.

3. The grievance of the petitioner is that the respondents 6 to 11 belong to Forward Caste Communities and that however, they obtained Community Certificates as though they belong to the Backward Caste Communities and also gained admission to MBBS course. This action on the part of the respondents 6 to 11, according to the petitioner, deprived the petitioner, who belongs to Backward Caste community, of a seat in MBBS course. Therefore, the petitioner claims to have made representations on 06-08-2012 and 20-04-2013 to the official respondents seeking action. On the ground

that no action was taken, the petitioner has come up with the above writ petition.

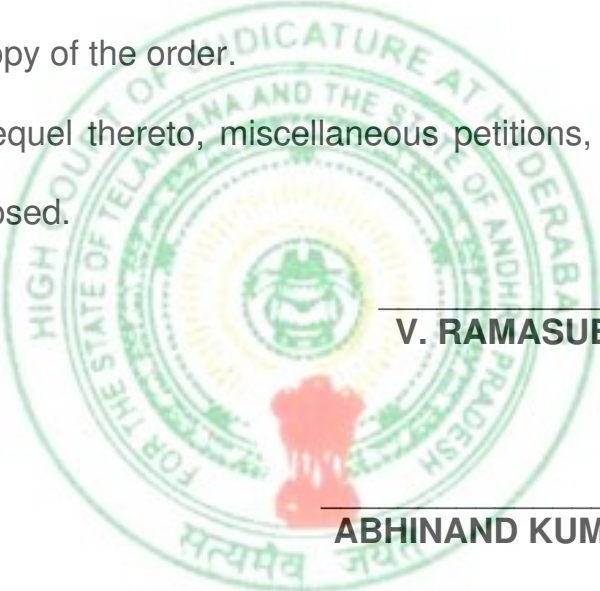
4. The contesting official respondents have filed a counter affidavit. It is claimed by the respondents 7 to 11 in their counter affidavit that they belong to a particular community, which is recognized as a subset of a community in three Districts of the Combined State of Andhra Pradesh as Backward Caste communities and that the certificates obtained by them were perfectly valid and on the basis of a true representation of facts.

5. The question as to whether the respondents 6 to 11 belong to a particular subset of a community and the question as to whether the Community Certificates issued to them are valid or not, cannot be gone into a writ petition. However a separate procedure is prescribed for enquiring into such complaints, under Section 5 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993. The petitioner claims to have made a representation to the District Collector, Visakhapatnam, who is the 4th respondent. Under Section 5 (1) of the Act, the District Collector is entitled to enquire into the complaint either *suo motu* or on a written complaint. Therefore, all that can be done at this distance of time and that too in a writ petition is only to direct the District Collector, Visakhapatnam, to take appropriate action in accordance with law under Section 5 (1) of the Act.

6. Therefore, the writ petition is disposed of without expressing any opinion on the merits, directing the District Collector,

Visakhapatnam, to cause an enquiry under Section 5 (1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993, on the representation given by the petitioner, in accordance with the procedure prescribed by the Act. It is needless to say that the District Collector should afford all reasonable opportunities to both parties, in the course of enquiry and then take a decision in accordance with law. The District Collector shall complete the enquiry within a period of six months from the date of receipt of a copy of the order.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.



V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

Date: 09-10-2017

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