

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 27092 OF 2017

ORDER:

This Writ Petition is filed seeking a *mandamus* to declare the inaction on the part of Respondents 1 to 5 in recognizing the petitioners as 'Nomadic Tribes' and issuing certificates to the effect that they belong to '*Budaga Jangam*' Caste which fall into Scheduled Castes category, as illegal and arbitrary. They also seek a consequential direction to Respondents 2 and 3 i.e. Director, Jawahar Navodaya Vidyalaya and the Principal, Jawahar Navodaya Vidyalaya to admit their wards in VI Class in Jawahar Navodaya Vidyalaya, Banavasi Post, Yemmiganur Mandal, Kurnool District, without insisting on production of caste certificates.

Heard learned counsel for the petitioners.

Learned Government Pleader for Social Welfare submits that in view of G.O.Ms. No. 144, Social Welfare (CV.1) Department, dated 17.07.2008, '*Budaga Jangam*' caste does not fall in Scheduled Castes category so far as Kurnool District is concerned and the said G.O. is restricted to Hyderabad, Ranga Reddy, Mahabubnagar, Adilabad, Nizamabad, Medak, Karimnagar, Warangal, Khammam and Nalgonda Districts only.

Having considered the respective submissions, without expressing any opinion on merits of the matter, the Writ Petition is disposed of with a direction to the 5th respondent competent authority to take necessary steps in accordance with Section 5 the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Regulation of Issue of Community Certificates Act, 1993

and process the Application of the petitioners made under Section 4 of the 1993 Act as stipulated in Rule 5(h) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes & Backward Classes) Regulation of Issue of Community Certificates Rules, 1997. In the event the 5th respondent considers that the petitioners are eligible to be granted the caste certificate on the *prima facie* material available with him, with respect to the provisional admission/appointment, in terms of Rule 19, the same may be considered.

The Writ Petition therefore, stands disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall stand closed.

16th August 2017

Issue CC in two days.
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CHALLA KODANDA RAM, J

