

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Petition No.39015 of 2017

ORDER: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The relief sought for in this Writ Petition is to exclude certain castes from the schedule to the Presidential Order on the ground that these castes are no longer in existence.

Article 341(1) of the Constitution of India confers power on the President, after consultation with the Governor and by public notification, to specify the castes, races or tribes, or parts of or groups within castes, races or tribes, which shall, for the purpose of the Constitution, be deemed to be Scheduled Castes in relation to that State or Union Territory as the case may be. Article 341(2) enables Parliament, by law, to include in, or exclude from, the list of Scheduled Castes, specified in a notification issued under Clause (1), any caste, race or tribe or part of or group within any caste, race or tribe; but, save as aforesaid, a notification issued under the said clause shall not be varied by any subsequent notification.

While power is conferred on the President, under Article 341(1) of the Constitution of India, to specify a particular caste, race or tribe as the Scheduled Caste, it is only Parliament, under Article 341(2), which has the power to include or exclude any caste, race or tribe. No such power is conferred either on the State of Telangana or on the Commissioner, Social Welfare Department (respondents 1 and 2 herein). The relief sought for in this Writ Petition is to cause an enquiry with regards the existence of certain Schedule castes, and to remove them from the list of Scheduled

Castes. As no such power is conferred on the respondents herein, we see no reason to entertain the Writ Petition. The petitioner's grievance in this regard can only be addressed by Parliament, and not in proceedings under Article 226 of the Constitution of India.

The Writ Petition fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J.

Date: 21st November, 2017
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