APHC010585592026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3457]**
(Special Original Jurisdiction)

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 32072/2026

Between:

1. BOMMI SRINIVASA RAO, S/O. BOMMI ANANDA RAO, AGED 56 YEARS, RIO. D.NO. 3-55, KUNAYAVALASA VILLAGE, TERLAM MANDAL, VIZIANAGARAM DISTRICT -535124.
2. GALLA DANTHESWARI, W/O SRIRAMULU NAIDU, AGED 55 YEARS, R/O.D.NO.3-91, POTURU SEETAHARAMPURAM, VEPADA MANDAL, VIZIANAGARAM DISTRICT -535161.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY BACKWARD CLASS WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT 522238.
2. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY SOCIAL WELFARE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, GUNTUR DISTRICT 522238.
3. THE DISTRICT COLLECTOR, VIZIANAGARAM DISTRICT, VIZIANAGARAM 535003.
4. THE TAHSILDAR, VIZIANAGARAM MANDAL (URBAN) VIZIANAGARAM DISTRICT - 535003.
5. THE RETURNING OFFICERCUM C E 0, VIZIANAGARAM ZILLA PARISHAD, VIZIANAGARAM, VIZIANAGARAM DISTRICT - 535003.
6. MAJJI SIN I SAHASRA ALIAS MUSKAAN JAIN, D/O, MAJJI SRINIVASA RAO, D/O. RAMESH KUMAR JAIN, RIO. STREET NO.370, SIN I SAHASRA NILAYAM, VASANTVIHAR LAYOUT, DHARNRIAPURI, VIZIANAGARAM, VIZIANAGARAM DISTRICT - 535004.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased topleased to issue a Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction of the 3 rd Respondent in failing to consider and pass interim orders on the complaint dated 28102026 made by the petitioner under Section 5 of the Andhra Pradesh Scheduled Castes Scheduled Tribes and Backward Classes Regulation of Issue of Community Certificates Act 1993 in restraining the 6th Respondent from using or acting upon the Backward Class Community Certificate dated 06112021 issued by the 4th Respondent as illegal arbitrary

unreasonable violative of Articles 14 154 and 164 of the Constitution of India and consequently direct Respondents 1 to 5 not to accept or permit the 6th Respondent to rely upon use or derive any benefit from the aforesaid community certificate including for the purpose of claiming any benefit concession or reservation available to Backward Classes pending disposal of the petitioners complaint dated 28102026 by the 3 1d Respondent in accordance with law and pass

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Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct Respondents 1 to 5 not to permit the 6th Respondent to use or act upon the Backward Class Community Certificate dated 06.11.2021 issued by the 4th Respondent for claiming any benefit or reservation meant for Backward Classes and pass

Counsel for the Petitioner(S):

1. PRABHU NATH VASIREDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. GP FOR SOCIAL WELFARE

The Court made the following:

THE HONOURABLE SRI JUSTICE HARINATH.N

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ORDER:

1. The learned counsel appearing for the petitioners submits that the petitioners are aggrieved by the inaction on the part of the third respondent in passing interim orders on the complaint filed by the petitioners seeking cancellation of the caste certificate issued in favour of the 6th respondent. It is submitted that the 6th respondent was born in a Jain family and was adopted in 2020 by Majji Srinivas Rao, who belongs to the Thurpu Kapu or Gajula Kapu (BC-D) community.

2. It is submitted that a Gazette Notification was published on 15.10.2020 whereby the 6th respondent has changed her name from Muskaan Jain, daughter of Ramesh Kumar Jain, qualification B.Tech and shall henceforth be known as Majji Siri Sahasra, daughter of Majji Srinivas Rao, by virtue of adoption. It is submitted that, on the strength of the said adoption, the 6th respondent has obtained a community certificate as though she belongs to the BC-D community.

3. The 4th respondent issued a fresh community certificate on 23.10.2026, referring to the 6th respondent as belonging to Thurpu Kapu or Gajula Kapus (BC-D Sl. No.30) BC-D community. Learned counsel appearing for the petitioners submits that the 6th respondent

cannot claim the benefit of a backward class community on the strength of the adoption and that the same is contrary to the Constitution of India, and the Constitution provides reservation for various classes of citizens keeping in view the necessity for uplifting them socially and economically. The 6th respondent's attempt to claim herself by projecting as though she belongs to the BC-D community is contrary to the Andhra Pradesh Scheduled Castes, Scheduled Tribes and Backward Classes (Regulation of issue of Community Certificates) Act, 1993 (herein referred as 'the Act').

4. It is submitted that the petitioner has filed a nomination for the post of ZPTC member and has paid Rs.3,000/-. It is submitted that the nomination fee stipulated for persons belonging to the forward community is Rs.6,000/- and for the reserved category, it is Rs.3,000/-. It is also submitted that the petitioner No. 1 has filed a complaint under Section 5 of the Act before the 3rd respondent seeking cancellation of the community certificate issued in favour of the 6th respondent. It is also submitted that the petitioners have sought an interim direction restraining the 6th respondent from using the caste certificate issued to her in the year 2021 and the subsequent certificate issued on 21.10.2026 for the purpose of seeking any benefit in the forthcoming elections to the local body.

5. Learned counsel appearing for the petitioners places reliance on the judgments of ***A.S. Sailaja v. Principal, Kurnool Medical College,***

Kurnool and Others[1], and this Court while considering the validity of extending the benefits of caste declared as backward class in the case of adoption of a boy or girl in advanced section like Brahmin held that Section 12 of the Hindu Adoptions and Maintenance Act, 1956 is a personal choice of the adoptee and is distinct from the constitutional scheme under Article 14, 15(4) and 16(4). This Court also observed that a child adopted at a tender age, lived as a member of the adoptive family, underwent the disadvantages, ignominy or suffering which the members of the homogeneous group are subjected to, such person can be considered to have member of a homogeneous group. This Court held that adoption, where it is motivated, cannot be extended the benefit of a backwards-class community certificate.

6. In ***A. Raja v. D. Kumar***[2]**,**the Hon'ble Supreme Court considered whether a caste certificate and its validity could be challenged in an election petition. It held that a caste/community certificate is challengeable only under the provisions of the statute concerned, not in an election petition.

7. In ***Valsamma Paul v. Cochin University***[3], the Hon'ble Supreme Court held that the appellant was not entitled to the benefit of reservation under Article 16(4) as a Lecturer, which post was

[1] AIR 1986 AP 209
[2] 2025 LawSuit(SC) 667
[3] (1996) 3 SCC 545

reserved for the backward class Latin catholic community. As the appellant therein was born in a forward caste community, and after completing education and attaining the age of majority, married a Christian, the appellant was found not eligible for claiming reservation.

8. It is submitted that the law on this issue is clear and that the 3rd respondent ought to have passed an interim order restraining the 6th respondent from utilising the said certificate for any purpose.

9. Learned Government Pleader appearing for respondent Nos.1 to 5 submits that the petitioner raised this objection before the 5th respondent on 24.10.2026 and the same was not considered by the 5th respondent. It is submitted that the petitioners are now seeking similar relief before this Court, which the petitioners failed to obtain before the 5th respondent. It is also submitted that the election notification was issued, the nomination process is complete, and the election to the local bodies is scheduled to be held tomorrow, on 05.11.2026; as such, the appropriate forum for redressal of the petitioners' grievance would be by filing an election petition.

10. Learned Government Pleader places reliance on ***Kalla Ramakrishna v. State Election Commission***[4] wherea Division Bench of this Court held that no election shall be called in question

[4] 2004 SCC OnLine AP 1287

except by filing an election petition and that the process of election would start from the issue of the notification till the declaration of the result; as such, any matter which has the effect of vitiating an election should be brought up only at appropriate stage in an appropriate manner before the special Tribunal constituted for the said purpose and should not be brought up at an intermediate stage before any Court.

11. In ***Bharati Reddy v. State of Karnataka and Others***[5],the Hon'ble Supreme Court held that a caste certificate is valid until it is cancelled by the competent authority. The Hon'ble Supreme Court found fault with the attempt of the High Court in engaging itself in an enquiry into a prohibited area which is already the subject matter of the proceedings pending before the caste verification committee, without realising that the observations made by it were inherently bound to influence the committee from taking a just and proper decision in accordance with law, irrespective of its observations to decide without being influenced by its decision.

12. In ***Nannagaram Praveena v. State of Andhra Pradesh***[6], this Court was considering the procedure to be adopted for cancellation of a community certificate by the District Collector and that the said procedure under the Act and Rules cannot be circumvented.

[5] (2018) 6 SCC 162

13. The learned counsel appearing for the 6th respondent submitted that he has filed a caveat and is an interested party in the writ petition. It is submitted that the 6th respondent is contesting for the post of Member, ZPTC, Terlam Segment, which is an unreserved segment. It is submitted that any order passed by this Court would impede the 6th respondent's right to contest the said elections. It is also submitted that the petitioners' objection that the 6th respondent paid Rs. 3,000/- as nomination fee applicable to a reserved category is frivolous. It is submitted that payment of Rs.6,000/- as nomination fee would not nullify the caste certificate of the 6th respondent. It is submitted that the 6th respondent shall pursue the complaint filed by the petitioners before the competent 3rd respondent.

14. Heard the learned counsel for the petitioners, learned Government Pleader appearing for respondent Nos.1 to 5 and learned counsel appearing for the 6th respondent-caveator.

15. The point for consideration in the writ petition is:Whether the 6th respondent can be permitted to use the community certificate dated 06.11.2021 and the subsequent community certificate issued by the competent authority dated 21.10.2026 to contest as a member of ZPTC.

16. The petitioners' complaint is pending consideration before the 3rd respondent. Even as per the record available, it is evident that the

6th respondent had submitted an application under Section 3 of the Act for issuance of the community certificate. Section 3 of the Act entitles a person belonging to scheduled castes, scheduled tribes, or backward classes to claim the benefit of any reservation provided to such castes, tribes, or classes by applying for issuance of a community certificate.

17. The 6th respondent was born into a Jain family and appears to have followed Jain family traditions until she completed her B.Tech. The 6th respondent was adopted in the year 2020, and a gazette notification dated 15.10.2020 was issued. Thereafter, the 6th respondent appears to have applied for issuance of a backward class community certificate on the strength of the adoption. The 6th respondent's claim for the benefits of the BC-D category to be extended to her is a point for the 3rd respondent to consider.

18. Section 10 of the Hindu Adoptions and Maintenance Act, 1956, reads as follows:

> Persons who may be adopted.- No person shall be capable of being taken in adoption unless the following conditions are fulfilled, namely:--
>
> (i) he or she is a Hindu;
> (ii) he or she has not already been adopted;
> (iii) he or she has not been married, unless there is a custom or usage applicable to the parties which permits persons who are married being taken in adoption;
> (iv) he or she has not completed the age of fifteen years, unless there is a custom or usage applicable to the parties

> which permits persons who have completed the age of fifteen years being taken in adoption.

The customs followed by the families of the adoptee and adopter must be duly considered by the 3rd respondent while deciding the complaint filed by the petitioners.

19. The 3rd respondent must consider whether a person can claim a particular community or caste on the strength of adoption, and whether each such adoption would confer an *ipso facto* entitlement to claim a scheduled caste, scheduled tribe, or backward classes certificate, as the case may be. The issue of adoption at a tender age and the adopted child undergoing the rituals, ignominy, disadvantages or sufferings to which the members of the homogeneous are subjected would be a completely different aspect.

20. As the issue is pending before the 3rd respondent, this Court refrains from passing any further observations on the pending issue. However, the 6th respondent shall pay an additional Rs.3,000/- towards the nomination fee for contesting as a ZPTC member for the Terlam segment in the ensuing elections. The 5th respondent shall accept the balance Rs.3,000/-, which has to be paid by any candidate belonging to the OC category for the purpose of contesting the unreserved segment. It is made clear that payment of the additional amount of Rs.3,000/- by the 6th respondent would not disentitle the 6th respondent to place all relevant records for defending the caste certificate issued in her favour in the

proceedings pending before the 3rd respondent. The 3rd respondent shall be considering the complaint filed by the petitioners uninfluenced by any of the observations of this Court. The 3rd respondent shall consider the interim prayer sought by the petitioner within one (1) week from the date of receipt of a copy of this order.

21. With this observation, the Writ Petition stands disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE HARINATH.N

Date: 03.11.2026
KAS/SKB

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THE HONOURABLE SRI JUSTICE HARINATH.N

W.P.No.32072 of 2026
Date: 03.11.2026

KAS/SKB