

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
WEDNESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 12957 OF 2023

Between:

Shaik Eliyaz Basha, Rep by its Father Shaik Shamsha Valli, S/o Shaik Khajamlya, Aged about 65 years, R/o 9/346-1, R/o Sree Ram Nagar, Railway Kodur, Kadapa, Kadapa District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Social Welfare Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh, Rep by its Principal Secretary, Minorities Welfare Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
3. The Commissioner, Minorities Welfare, Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
4. The Secretary, Andhra Pradesh State Council of Higher Education, Neeladri Towers, 6th Battalion Road, Mangalagiri, Andhra Pradesh.
5. The District Collector, Kadapa, Kadapa District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri MD SALEEM PASHA presented this 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 to issue appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in not approving the petitioner's application and subsequently releasing the scholarship amount to the petitioner that has been granted under the scheme of Overseas Education Scheme for Minority Students for pursuing Higher Studies abroad from the year 2016-17, which was introduced by way of GOMS. No.33 Minorities Welfare (EDM) Department, dated 29.09.2016 issued for providing financial assistance for Minority Students for pursuing higher studies courses in Foreign Universities, despite the petitioner has made an application for the said scheme and an E-Pass to that effect has been issued in respect of her application dated 25.01.2020 and the subsequent action of the Government in issuance of G.O.Ms.No. 39, dated 11.07.2022 revamping the orientation of whole scheme and revising the guidelines superseding all earlier guidelines in vogue being violative of the Fundamental Rights of the petitioner guaranteed Under Article 14,15,16,19,21 and Art 300-A of the Constitution of India and the said action is against the Doctrine of Legitimate Expectations and Doctrine of Promissory Estoppel and consequently direct the respondent authorities to disburse the scholarship amount in accordance with the scheme.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri MD SALEEM PASHA Advocate for the

Petitioner and of GP FOR SOCIAL WELFARE for Respondent Nos.1 to 3, Smt. S. Parineetha, Standing Counsel for APSCHE for Respondent No.4, GP FOR REVENUE for Respondent No.5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Social Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary, Minorities Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
3. The Commissioner, Minorities Welfare, Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
4. The Secretary, Andhra Pradesh State Council of Higher Education, Neeladri Towers, 6th Battalion Road, Mangalagiri, Andhra Pradesh.
5. The District Collector, Kadapa, Kadapa District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 19.07.2023 on which date the case stands posted for hearing.

The Court made the following:

ORDER:

"Notice before admission.

Learned Government pleader for Social Welfare takes notice on behalf of respondent Nos.1 to 3 .

Learned Government pleader for Revenue takes notice on behalf of the 5th respondent.

Smt. S.Parineetha, learned Standing Counsel for APSCHE takes notice on behalf of the 4th respondent.

Learned Government Pleader for Social Welfare seeks further time to get instructions and also to verify the orders placed along with the writ petition is covered or not.

For instructions, post on 19.07.2023."

**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

For ,

SECTION OFFICER

To,

1. The Principal Secretary, Social Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The Principal Secretary, Minorities Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
3. The Commissioner, Minorities Welfare, Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
4. The Secretary, Andhra Pradesh State Council of Higher Education, Neeladri Towers, 6th Battalion Road, Mangalagiri, Andhra Pradesh.
5. The District Collector, Kadapa, Kadapa District. (Addresses 1 to 5 by **RPAD** – along with a copy of petition and affidavit)
6. One CC to SRI. MD SALEEM PASHA Advocate [OPUC]
7. One CC to Smt. S. Parineetha, Standing Counsel for APSCH [OPUC]
8. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR SOCIAL WELFARE, High Court Of Andhra Pradesh. [OUT]
10. One spare copy.

npc

HIGH COURT

RCJ

DATED:12/07/2023

FOR INSTRUCTIONS, POST ON 19.07.2023

NOTICE BEFORE ADMISSION

WP.No.12957 of 2023

