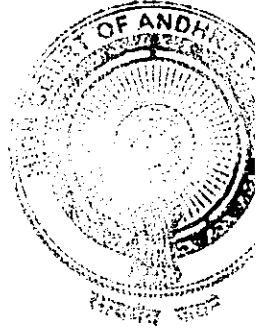


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE M.GANGA RAO



IA No. 1 OF 2021

IN

WP NO: 25452 OF 2021

Between:

Suchitra Dolai, D/o. Bidyadhara Dolai, Aged about 18 years, Occ- Student, R/o. Nathaputtuga Village, Kanchili Mandal, Srikakulam District, A.P.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principle Secretary, Tribal Welfare Department, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Collector, Srikakulam District, Srikakulam, A.P.
3. The Sub Collector, Tekkali, Kanchili Mandal, Srikakulam District, A.P.
4. The Tahsildar, Kanchili Mandal, Srikakulam District, A.P.
5. The Convener, (AP EAMCET-2021), Andhra Pradesh State Council for Higher Education, Flat No. 104, ANR Towers, Jemmichettu Street, Prasadampadu, Vijayawada, Krishna District - 521 108, A.P.
6. The Principal, Government Polytechnic College, Kancharapalem, Visakhapatnam, A.P.

...Respondents

Counsel for the Petitioner :SRI G TUHIN KUMAR

Counsel for the Respondent Nos.1 to 4 & 6:GP FOR TRIBAL WELFARE

Counsel for the Respondent No.5: M/s. S. PRANEETHA, STANDING COUNSEL

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to issue Provisional admission as per Rule 19 of A.P. (SC, ST & BC) Regulation of issuing of Community Certificate Act, 1993 and Rules 1997 to the petitioner in the admission counseling process scheduled from 25th October to 10th November 2021 or any other subsequent date for AP EAMCET-2021 (Engineering) held at Government Polytechnic College, Visakhapatnam, pending disposal of WP No. 25452 of 2021, on the file of the High Court.

The court, while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case). The Court made the following;

ORDER:

"The petitioner belongs to Benth-Oriya caste, which is listed as Scheduled Tribe community and appeared for APEAPCET Notification-2021 conducted by JNTU and obtained good rank and with the rank obtained, the petitioner is seeking admission in any of the Engineering Colleges. The counsel for the petitioner states that the petitioner made an application to the Sub Collector, Tekkali, Srikakulam District for issuance of ST certificate, but the authorities, without conducting any enquiry are not issuing the Benth-Oriya Scheduled Tribe community certificate. The petitioner failed to state when the application is submitted to the authorities and who is the authority to grant such certificate. The affidavit is so casual and bereft of any details. The learned counsel for the petitioner states that the father of the petitioner holds the Benth-Oriya ST certificate and based on the certificate of the petitioner's father,

admission is sought. Further, he empathetically states that a Division Bench of this Court on earlier occasion granted interim orders protecting the valuable academic year and the right accrued to the students through the caste certificate issued to the parents.

Learned Government Pleader for Social Welfare stoutly opposed for grant of interim order stating that no application is made by the petitioner and without making any application, the petitioner approached this Court for grant of Benth-Oriya ST certificate. If any application is made by the petitioner, the respondents will conduct enquiry and issue a certificate as per the admission rules.

Having regard to the above submissions of the counsel for the petitioner and having perused the record, this Court felt that for seeking admission, the petitioner need to obtain a latest Caste Certificate issued by the concerned authorities as per the admission rules. The petitioner herein is claiming admission without obtaining the latest Caste Certificate but is only seeking admission on the strength of the caste certificate issued to the petitioner's father. If any application is made seeking Benth-Oriya ST caste certificate, pending enquiry with regard to issuance of Benth-Oriya Caste Certificate, the competent authority may communicate the same to admission authorities to give admission as per Rule 19 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Rules, 1997. Such situation has not arisen here in this Writ Petition, since there is no application made by the petitioner seeking Benth-Oriya ST caste certificate and enquiry is pending. Hence, the order passed in W.A.No.186 of 2019 has no help to the petitioner's case. Thus, prima facie, this Court is of the opinion, that the petitioner is not entitled for grant of any interim relief.

Accordingly, I.A.No.1/2021 is dismissed."

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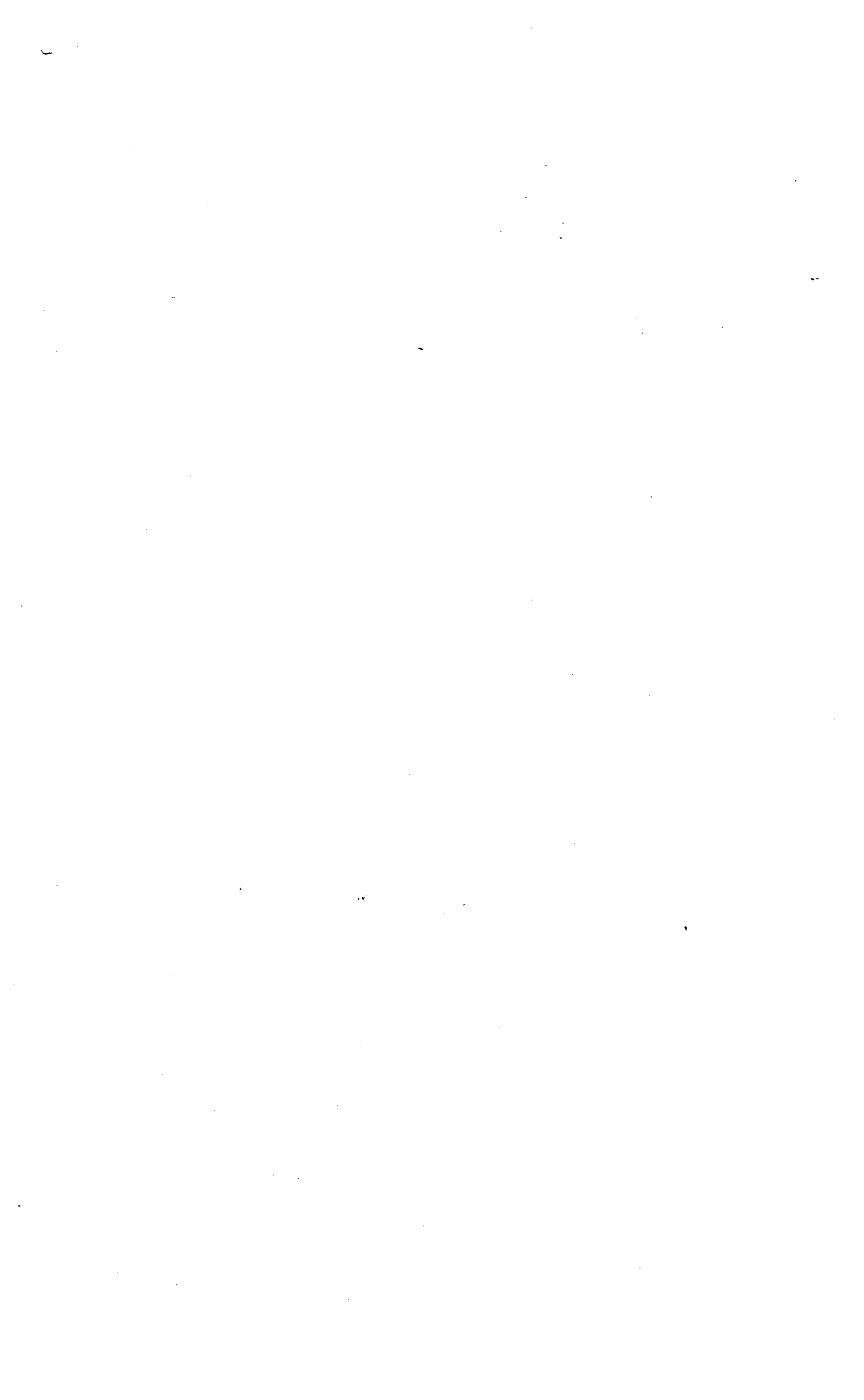
Sd/-M.Ramesh Babu
ASSISTANT REGISTRAR
SECTION OFFICER

For

To,

1. The Principle Secretary, Tribal Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District, A.P.
2. The Collector, Srikakulam District, Srikakulam, A.P.
3. The Sub Collector, Tekkali, Kanchili Mandal, Srikakulam District, A.P.
4. The Tahsildar, Kanchili Mandal, Srikakulam District, A.P.
5. The Convener, (AP EAMCET-2021), Andhra Pradesh State Council for Higher Education, Flat No. 104, ANR Towers, Jemmichettu Street, Prasadampadu, Vijayawada, Krishna District - 521 108, A.P.
6. The Principal, Government Polytechnic College, Kancharapalem, Visakhapatnam, A.P. (1 to 6 by RPAD)
7. One CC to Sri. G Tuhin Kumar, Advocate [OPUC]
8. One CC to M/s. S. Praneetha, Standing Counsel [OPUC]
9. Two CCs to GP for Tribal Welfare, High Court of Andhra Pradesh. [OUT]
10. One spare copy.

MSB



HIGH COURT

MGR,J

DATED:01/11/2021

ORDER

**IA No. 1 OF 2021
IN
WP.No.25452 of 2021**

INTERIM DIRECTION

