

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11583/2010

(From the judgement and order dated 03/11/2009 in WP No.2122/2009
of The HIGH COURT OF A.P. AT HYDERABAD)

A.P. MUDIRAJ MAHASABHA REP BY ITS PRES.

Petitioner(s)

VERSUS

K. KONDALA RAO STATE CONVENER

Respondent(s)

(With appln.(s) for permission to file additional documents,
prayer for interim relief and office report)

With S.L.P. (C) No.15706/2010

(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) Nos.15702-15705/2010

(With appln(s) for c/delay in filing SLP, directions, modification
of Court's order and office report)

S.L.P. (C) No.15735/2010

(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) No.15711/2010

(With office report)

S.L.P. (C) No.15733/2010

(With appln(s) for c/delay in filing SLP and office report)

S.L.P. (C) Nos.12490-12496 of 2010

(With appln(s) for permission to file additional documents,
prayer for interim relief and office report)

[For Directions]

Date: 28/10/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

HON'BLE MR. JUSTICE SWATANTER KUMAR

....2/-

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For Petitioner(s)

Mr. T.R. Andhyarujina, Sr. Adv.
Mr. R. Venkataramani, Sr. Adv.
Mr. R. Thippa Reddy, Adv.
Mr. Aljo K. Joseph, Adv.
Mr. Soumik Ghosal, Adv.
Mr. G.N. Reddy, Adv.

In SLP 12490-96/2010:

Ms. C.K. Sucharita, Adv.
Ms. Nirada Das, Adv.
for Ms. D. Bharathi Reddy, Adv.

For Respondent(s)

Dr. K.P. Kyalasnath Pillai, Sr. Adv.
Mr. R. Santhan Krishnan, Adv.
Mr. Praveen Pandey, Adv.
Mr. Aditya Acharya, Adv.
Mr. C.S.N. Mohan Rao, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard learned counsel on either side.

The Government of Andhra Pradesh vide GOMS

No.15 dated 19th February, 2009, deleted the
Mudiraj, Mutrasi and Tenugollu communities from
Group D of the list of Socially and Educationally
Backward Class based on the Backward Communities
Report of 2009 and added the said communities at
Sl.No.1 under Group-A. Earlier the above-mentioned
communities were included in Group-D based on the
Anantaraman Commission's Report which was submitted
to the State Government in the year 1970.

Appendix VI read with paragraph 95 of that
Report referred to the lists of socially and
educationally backward classes in which there was a
reference to the criteria of "traditional
occupation" of the communities as well as of the
"population" that existed in the year 1968 for
their inclusion in Group D.

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Shri T.R. Andhyarujina, learned senior
counsel appearing for the petitioner in S.L.P. (C)
No.11583 of 2010 submitted that though the above-
mentioned communities were included in the list of
de-notified tribes (Vimukta Jathes) in the
Anantaraman Commission's Report, they were
mistakenly included in Group-D in that Report,
against which the State Government and the
Commission received various representations. The
Backward Classes Commission in its Report of 2009
was only correcting that mistake by including those
communities in Group-A.

We notice in the Backward Classes
Commission 2009 Report that there is no reference
to the criteria of "traditional occupation" of
those communities or to their "population", though
reflected in the Anantaraman Commission's Report.
The question whether those criterion are relevant
for the inclusion of those communities in Group-A
is a matter for the Commission to consider on which
we express no final opinion.

The Government, we
find, after reconstituting the Backward Classes
Commission had issued a notification on 3rd January,
2009, which was published in the local newspaper on
18th January, 2009, calling for representations,
suggestions and objections for change of group of
certain castes. Public hearing was notified to be
held on 29th January, 2009.

On 27th January, 2009
requests were made by some of the organizations
seeking extension of time upto 15th February, 2009,
so that they could effectively place their point of
view and furnish materials before the Commission
against the change of group. But no opportunity
was given by the Commission and the Commission held

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public hearing on 29th January, 2009. Therefore,
the point of view of those communities who are
affected by the inclusion could not be properly
examined.

Considering the importance of the matter,
we feel it would be appropriate that the Commission

may consider only the above matter, which is the subject-matter of these special leave petitions, afresh after giving an effective opportunity of being heard to all the affected parties, since some of them have got a genuine grievance that they were not given sufficient time to submit materials before the Commission or offered an effective hearing.

We, therefore, direct the Backward Classes Commission to consider the subject-matter of these special leave petitions afresh, after giving opportunities to all the affected parties by way of public hearing. The date and time will be notified by the Commission and after hearing all the parties concerned, a supplementary report is directed to be submitted before this Court within a period of three months from today.

[T.I. Rajput]
A.R.-cum-P.S.

[Madhu Saxena]
Assistant Registrar