

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

Civil Appeal No. 7396/2000

P.Ramakrishna Rao

Appellant

VERSUS

Selectn.Commtt. for P.G.C. In
M.C.AP & ors.

Respondents

(With office report)

WITH

CA No.7397/2000

Date: 4.9.2002. This appeal was called on for hearing today.

CORAM :

HON'BLE MRS.JUSTICE RUMA PAL

HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. P.S.Misra,Sr,Adv.
Mr. Vishnu Sharma,adv.
Mr. D.Mahesh Babu,adv.

For Respondent (s) Mr. T.V.Ratnam,adv.for
Mr. Anil Kumar Tandale,adv.

UPON hearing counsel Court made the following
ORDER

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

In CA 7396/2000@@

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Mr. P.S.Misra,learned senior counsel appearing for
the appellant made his submissions for ten minutes.

This Civil Appeal is dismissed.

In CA 7397/2000@@

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Mr. P.S.Misra, learned senior counsel started his
submissions at 11.50 a.m. and concluded at 12.50 a.n.
Thereafter Mr. T.V.Ratnam, learned counsel appearing for
the respondents started his arguments and concluded at
2.15 p.m. Hearing concluded.

The appeal is dismissed with costs which is
assessed as Rs.20,000/-.

.SP1

(Suman Wadhwa)
Court Master

(S.Malkani)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7396 OF 2000@@

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P.Ramakrishna Rao

...Appellant

Vs.

Selection Commtt. for P.G.C.In
M.C. of A.P. & Ors.

...Respondents

WITH

CIVIL APPEAL NO. 7397 OF 2000@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC

ORDER@@
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.SP2
.....L.....I.....T.....T.....T.....T.....T.J

In Civil Appeal No.7396/2000@@
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This appeal has been preferred against an order dated 31.3.1997 by which the High Court of Andhra Pradesh had refused to review an earlier order passed by it on 19.4.1993. The order dated 19.4.1993 is the subject matter of a separate appeal before us being Civil Appeal No.7397/2000. Since leave has been granted in the appeal against the order dated 19.4.1993 this appeal which is from the order refusing to review in order dated 19.4.1993 does not survive. As a result, this appeal is dismissed.

In Civil Appeal No.7397/2000@@
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This appeal has been preferred from the decision of the High Court of Andhra Pradesh rejecting the appellant's prayer in his writ petition. The Writ Petition which had been filed by the appellant challenged the refusal of the respondents to admit the appellant in Post-Graduate Medical Course by not treating the appellant as a Schedule Tribe candidate. The merits of the appeal have not been seriously pressed by the appellant. In any view of the matter we are of the considered opinion that the High Court was right in rejecting the appellant's claim. The appellant has, however, drawn our attention to the further observation of the High Court while rejecting the appellant's writ petition which is in the following terms:

.....L.....I.....T.....T.....TJ.
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"We also hold that it will be open to the respondents to strip the petitioner of all advantages which he obtained on the basis of the false claim that he belongs to Kondakapu community by initiating proceedings according to law and principles of

natural justice."

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

We are of the view that the High Court should not have travelled beyond the subject matter of the writ

-3-

petition and granted the liberty in the terms as stated above to the respondents. That was a decision which should have been left to the discretion of the respondents without any observation on the part of the High Court. We accordingly dismiss the appeal and uphold the decision of the High Court with the modification that the observation quoted earlier will stand deleted. This appeal is accordingly dismissed with costs which is assessed as Rs.20,000/-.

.SP1

.....J.
(RUMA PAL)

.....J.
(ARIJIT PASAYAT)

New Delhi;
September 4, 2002.