

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.18154/1998

(From the judgement and order dated 24/07/1998 in WP 27509/97
of The HIGH COURT OF A.P AT HYDERABAD)

M. GANGADRAPPA & ANR

Petitioner (s)

VERSUS

GOVT. OF A.P. & ANR

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

With

SLP(C)No.18185/1998,
(With prayer for interim relief)
(For Final Disposal)SLP(C) Nos.7547-7549/2000
(With prayer for interim relief and office report)
(For Final Disposal)SLP(C)No.4275/2000,
(With prayer for interim relief)
(For Final Disposal)

Date : 26/09/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYATFor Petitioner (s)Mr. P.S. Narasimha,Adv.
Mr. P. Sridhar,Adv.
Mr. Ananga Bhattacharya,Adv.
Mr. G. Seshagiri Rao,Adv,
Mr. V.G. Pragasam,Adv.

Contd...2/-

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Mr. M.N. Rao, Sr.Adv.
Ms. Vinita Sinha,Adv.
Mr. A.D.N. Rao,Adv.For Respondent (s)Mrs. K. Amreswari, Sr.Adv.
Mr. G. Venkatesh,Adv.
Ms. N.Annapoorani,Adv.Mr. P. Venkat Reddy,Adv.
Mr. A. Raghunath,Adv.

Mr. Anil Kumar Tandale,Adv.

Dr. Sunil Kumar,Adv.

Mr. Praveen Kumar,Adv.

Mr. R. Santhan Krishnan,Adv.

Mr. G. Sateesh,Adv.

Mr. D. Mahesh Babu,Adv.

Mr. Gururaja Rao, Sr.Adv.

Mr. S. Sadasiva Reddy,Adv.

Mrs. S. Usha Reddy,Adv.

Mr. S. Udaya Kumar Sagar,Adv.

Mrs. D. Bharathi Reddy,Adv.

Mr. G. Ramakrishna Prasad,Adv.

Mr. Md. Wasay Khan,Adv.

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

Leave granted.

The appeals are disposed of in terms of the signed order.

(Neena Verma) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 8106 OF 2003
(Arising out of S.L.P.(C) No.18154 of 1998)

M. Gangadrappa and Anr..... Appellants

Versus

Government of Andhra Pradesh and Anr. Respondents

WITH

Civil Appeal No. 8107 OF 2003 Arising out of
S.L.P.(C) No.18185 of 1998, Civil Appeal Nos.8108-8110
of 2003 Arising out of S.L.P.(C) Nos.7547-7549 of 2000,
and Civil Appeal No.8111 of 2003 Arising out of
S.L.P.(C) No.4275 of 2000

O R D E R

Leave granted.

Heard the learned senior and other counsel appearing on either side.

We find that the appeals in C.A. Nos.8111 of 2003 and C.A. Nos.8108-8110 of 2003 arise out of a judgment rendered on 06.10.1999 in Writ Petition Nos.5672 and 17425 of 1993 and Writ Petition No.4885 of 1995 by a Full Bench of the High Court of Andhra Pradesh. The two appeals in C.A. Nos.8106 and 8107 of 2003 are against the decision of the Division Bench of the High Court of Andhra Pradesh dated 24.07.1998 rendered in Writ Petition No.27509 of 1997 and Writ Petition

No.9157 of 1997, along with other cases. There is no controversy over the position that the question of law involved in all these appeals are one and the same., i.e. whether the reservations for SC/ST have to be indicated post wise or group wise while calling for applications by the various Universities functioning under the Andhra Pradesh Universities Act, 1991.

On the view we have come to take after hearing the learned counsel that the Full Bench has not gone into all the questions elaborately and objectively on merits and the questions to be decided need, having regard to its importance as well as its recurring nature, a further effective and proper consideration, if necessitated by issuing notice to the Government or the learned Advocate-General for the State, the judgment of the Full Bench is set aside on this only ground and we remit the matters to the High Court to be placed before a Full Bench to be constituted by the learned Chief Justice of the High Court to decide these cases by the High Court afresh. Though, in the other appeals arising out of a Division Bench judgment, a plea is raised that there had been such consideration on merits as well, having regard to the fact that we are relegating the matters to the High Court to be considered afresh by a Full Bench in similar matters, we consider it appropriate and necessary to set aside the orders passed by the Division Bench also on this ground and remit the proceedings to the High Court so that all these matters which are the subject matter of remand, shall all be clubbed with any such or other further matters pending in the High Court and placed before a Full Bench to be constituted by Hon'ble the Chief Justice for the purpose. The impugned notifications in all these cases are found to be issued in implementation of the orders of the Government declaring the reservation policy and the principles governing such reservation by the Universities. The effective participation of the Government, in such cases is a must and the Government cannot be a mere onlooker, on a lame excuse that its orders as such are not directly challenged. It is not as though the Court is powerless to direct the Government to enter appearance for the purpose either by making them parties or by issuing notice to the learned Advocate General and hear them before adjudicating the issues raised, to give a complete quietus to them and thereby avert the selections ultimately made to be left in a nebulous position. We make it clear that this order should not be construed as indicative of any opinion on any of the contentions of the parties either way and the parties shall be at liberty to raise all or any of the contentions that are permissible to them in law before the Full Bench to have an effective, thorough and complete adjudication of the issues raised on merits. The High Court may also consider the question of giving an expeditious disposal of these matters, since it involve questions relating to legality and propriety of appointments by the Universities in the State, pending in some form or other, for considerable time, in one court or other. The appeals are finally disposed of on the above terms and the matters relegated to the High Court for fresh consideration, as above.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)
New Delhi,
September 26, 2003.