[3446]

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT PETITION Nos.1255, 1359, 2493, 2501, 2506 AND 2507 OF 2025

WRIT PETITION NO: 1255 OF 2025

Between:

Chemudugunta Neeharika, D/o. C. Vijaya Bhaskar Rao, Aged about 25 years, Occ: Student, R/o. H.No.10-24-14, Christian Pet, 2nd Line, Kavali, Nellore District, Andhra Pradesh - 524201.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Medical Health and Family Welfare Department Dr. B.R. Ambedkar Telangana State Secretariat Hyderabad - 500022.
2. The Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar Warangal, Telangana State - 506002.
3. The Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar Warangal, Telangana State - 506002.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate issued by the Competent Authority of Government of Telangana

as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18.11.2021 and also violative of Articles 15, 16, and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh dated 24.04.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh dated 24.04.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health .

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.1255 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI B. MAYUR REDDY, SENIOR COUNSEL REPRESENTING SRI ALLURI DIVAKAR REDDY

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondents No.2 & 3: SRI T. SHARATH, S.C. FOR KNRUHS

WRIT PETITION NO: 1359 OF 2025

Between:

Adapala Likhith, S/o. Sushil Kumar Priya, Aged about 27 years, Occ: Student, R/o. 11-33-990/A2/B, Balaji Nagar, Vengala Rao Nagar, VTC: Kavali, PO: Kavali, Nellore District, Andhra Pradesh - 524201.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary Medical Health and Family Welfare Department Dr. B.R. Ambedkar Telangana State Secretariat Hyderabad - 500022.
2. The Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar Warangal, Telangana State - 506002.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate issued by the Competent Authority of Government of Telangana as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18.11.2021 and also violative of Articles 15, 16 and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.1359 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI B. MAYUR REDDY, SENIOR COUNSEL REPRESENTING SRI ALLURI DIVAKAR REDDY

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondent No.2: SRI T. SHARATH, S.C. FOR KNRUHS

WRIT PETITION NO: 2493 OF 2025

Between:

Chippada Bhanuprasanna, D/o. Chippada Srinivas, Age: 27 years, Occ: Student, R/o. H.No.7-360, Opp Amrutha Milk Agency, Tallarevu East Godavari District, AP.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical, Health & Family Welfare Department, Secretariat Buildings, Hyderabad-500 055

2. Kaloji Nararayana Rao University of Health Sciences, represented by its Registrar, Warangal.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate sued by the Competent Authority of Government of Telangana as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18.11.2021 and also violative of Articles 15, 16, and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the BC-B (Telikula) Community certificate issued by the competent Authority, Government of Andhra Pradesh dated 20.03.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Backward Caste BC-B (Telikula) Community certificate issued by the competent Authority, Government of Andhra Pradesh dated 20.03.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.2493 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI S. ABHAYA KUMAR SAGAR

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondent No.2: SRI T. SHARATH, S.C. FOR KNRUHS

WRIT PETITION NO: 2501 OF 2025

Between:

Devarapalli Joseph, S/o Devarapalli Ravindra, Age: 27 years, Occ: Student, R/o. Plot No. 103, Raghuram Pride, Q line, IIPD Colony, Near Sai Baba Temple, Ponnur, Guntur District, Andhra Pradesh

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical and Health Family Welfare Department, Secretariat Buildings, Hyderabad-500 055
2. Kaloji Nararayana Rao University of Health Sciences, represented by its Registrar, Warangal

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate issued by the Competent Authority of Government of Telangana as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18/11/2021 and also violative of Articles 15, 16, and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh dated 06.01.2025 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh dated 06.01.2025 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.2501 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI S. ABHAYA KUMAR SAGAR

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondent No.2: SRI T. SHARATH, S.C. FOR KNRUHS

WRIT PETITION NO: 2506 OF 2025

Between:

Adapaka Renuka, D/o Adapaka Ganesh, Age: 27 years, Occ: Student, R/o. H.No. 22-1-63A, Kata Veedhi, Near Ramalayam, Vizayanagaram, Andhra Pradesh.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical and Health Family Welfare Department, Secretariat Buildings, Hyderabad-500 055
2. Kaloji Nararayana Rao University of Health Sciences, represented by its Registrar, Warangal.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate issued by the Competent Authority of Government of Telangana as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18.11.2021 and also violative of Articles 15, 16, and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent

Authority, Government of Andhra Pradesh dated 14.07.2023 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Schedule Caste (SC) community certificate issued by the competent Authority, Government of Andhra Pradesh dated 14.07.2023 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.2506 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI ANJANAYULU YADANABOYINA

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondent No.2: SRI T. SHARATH, S.C. FOR KNRUHS

WRIT PETITION NO: 2507 OF 2025

Between:

Kukatikonda Jyothirmie, D/o. K. Veeranna, Age: 27 years, Occ: Student, R/o. 1-1696-1, Gandhi Nagar, Yemmignur, Kurnool District, AP.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical and Health Family Welfare Department, Secretariat Buildings, Hyderabad-500 055
2. Kaloji Nararayana Rao University of Health Sciences, represented by its Registrar, Warangal.

...RESPONDENTS

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 a writ or order or direction more particularly in the nature of Writ of Mandamus declaring the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 which mandates the candidates claiming SC/ST/BC categories to upload latest social status certificate issued by the Competent Authority of Government of Telangana as violative of Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021 dated 18.11.2021 and also violative of Articles 15, 16, and 21 of the Constitution of India, consequently direct the respondent No. 2 to recognize the BC-D (UPPARA) Community certificate issued by the competent Authority, Government of Andhra Pradesh dated 03.10.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the Regulation 4.2 of the prospectus issued by the respondent No.2 for Admission into Post Graduate Medical Courses under Competent Authority Quota for Academic Year 2024-25 dated 30.10.2024 pending disposal of this Writ Petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent No. 2 to recognize the Backward Caste BC-D (UPPARA) Community certificate issued by the competent Authority, Government of Andhra Pradesh dated 03.10.2024 in favour of petitioner for purpose of Admission into PG Medical Degree and Diploma Courses Academic year 2024-25 in pursuant to NEET (PG) 2024-25, under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the petitioner to file additional affidavit in the present Writ Petition No.2507 of 2025 in the interest of justice.

Counsel for the Petitioner: SRI S. ABHAYA KUMAR SAGAR

Counsel for the Respondent No.1: SRI A. SUDHARSHAN REDDY, THE ADVOCATE GENERAL

Counsel for the Respondent No.2: SRI T. SHARATH, S.C. FOR KNRUHS

The Court made the following: COMMON ORDER

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT. JUSTICE RENUKA YARA

WRIT PETITION Nos.1255, 1359, 2493, 2501, 2506 and 2507 of 2025

COMMON ORDER: *(Per Hon'ble The Acting Chief Justice)*

Regard being had to the similitude of the questions involved, these matters were analogously heard and decided by this common order.

Facts:-

2. The facts are taken from W.P.No.1255 of 2025. The petitioner has challenged the legality, validity and constitutionality of Clause 4.2 of the prospectus which according to her has an adverse impact on the prospects of the petitioner. The petitioner studied from 1st standard to 12th standard in the State of Andhra Pradesh and completed 12th standard in the year 2016. She appeared for NEET UG 2016 and secured admission through 'B' category on merit basis and allotted to Mallareddy Medical College for Women's, Hyderabad, Telangana, for academic year 2016-17. Accordingly, she completed her MBBS course and passed Final examination in the month of April, 2021 with registration number 1601020028. She also completed her one year compulsory rotatory internship in the same college from 01.06.2021 and

31.05.2022. Though, she appeared for NEET PG 2022 and 2023, she could not secure good score.

3. The National Board of Examination in Medical Science (NBEMS) has issued Notification for Admission to Post Graduate courses NEET PG 2024 on 16.04.2024, exam was conducted on 11.08.2024 and results were declared on 23.08.2024. The petitioner appeared for the said examination with registration number PG24086163 and secured All India Rank of 51285. The petitioner belongs to Schedule Caste (SC) (Mala) Community and holds caste certificate issued by the State of Andhra Pradesh dated 24.04.2024, which certifies that she belongs to Mala (SC) Community, which is recognized as Scheduled Community/Caste under the Constitution (Scheduled Tribes) Order, 1950, Schedule Caste and Schedule Tribe List (Modification) Order, 1956 and the Schedule Caste and Schedule Tribe (Amendment) Act, 1976 as amended from time to time.

4. On 30.10.2024, Respondent No.2 issued prospectus for admissions into PG Medical Degree and Diploma Courses under the Competent Quota for 2024-2025. On the same day, a notification was also issued stating that online applications and certificates uploading shall begin at 06:00 AM on 31.10.2024 and

close at 06:00 PM on 07.11.2024. Pursuant to the said notification, the petitioner registered for postgraduate medical admission under competent quota for the academic year 2024-25 by paying requisite fee.

5. The petitioner is not treated to be 'local candidate' in view of hurdle created by Rule VIII of the Telangana Medical Colleges (Admission into Postgraduate Medical Courses) Rules, 2021, as amended by G.O.Ms.No.148, dated 28.10.2024. Aggrieved, the petitioner assailed the said Rule in W.P.No.31317 of 2024, which was decided on 17.12.2024. In obedience of judgment of Division Bench in the said Writ Petition, the petitioner was treated as 'local candidate', but her caste certificate issued by the Government of Andhra Pradesh was not accepted. In the result, the petitioner was treated to be general category candidate and benefit of reservation was not given to her. The impugned Clause 4.2 became part of the prospectus with effect from 16.04.2024, whereas the admission process began much before that.

Contention of the petitioners:-

6. The petitioners in all these Writ Petitions have assailed the prospectus and action of respondents in not treating SC caste certificate of 'Mala' community issued by the authorities of the

Andhra Pradesh State for twin reasons. *Firstly,* on the basis of recent Constitution Bench judgment of Supreme Court in the case of **Tej Prakash Pathak v. Rajasthan High Court**[1], it is submitted that the rules of the game cannot be permitted to be altered in the midst of the game. In view of this Constitution Bench judgment, the view taken by the Division Bench of this Court that the said principle may be made applicable in the case of employment and not in matters relating to education is incorrect. *Secondly,* the States of Andhra Pradesh and Telangana came into being from unified erstwhile State of Andhra Pradesh. 'Mala' is a notified SC community in both the States. In this peculiar factual backdrop, there is no justification in not accepting the caste certificate of same community issued by the authorities of the Andhra Pradesh for the admission in the State of Telangana. More-so, when the Apex Court in **Commissioner of Commercial Taxes, Ranchi v. Swarn Rekha Cokes and Coals (P) Ltd.**[2], **State, Central Bureau of Investigation v. A. Satish Kumar**[3] and **State of Madhya Pradesh v. Lafarge Dealers Association**[4], opined that the erstwhile laws would be in force in the new State unless altered, repealed or amended in accordance with law. Since no exclusion

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[1] (2024) SCC OnLine SC 3184
[2] (2004) 6 SCC 689
[3] (2025) SCC OnLine SC 15
[4] (2019) 7 SCC 584

of 'Mala' caste took place in the State of Telangana and said caste is in SC category in both the States, the petitioner has valuable and enforceable constitutional right to enjoy reservation based on the aforesaid caste certificate.

7. Sri B. Mayur Reddy, learned Senior Counsel for the petitioners, placed further reliance on the judgment of the Supreme Court in the case of **Sudhakar Vithal Kumbhare v. State of Maharashtra**[5] and the judgment of Bombay High Court in the case of **Preeti Gopal Rao Kable v. State of Maharashtra**[6], to bolster the submission that when reserved community is notified in both the States, the petitioners cannot be deprived from the fruits of caste certificate and reservation in the State of Telangana.

Contention of the respondents:

8. Sri A. Sudharshan Reddy, learned Advocate General for the State of Telangana, on the other hand, submits that prospectus is issued every year. Any clause of previous prospectus will not create any enforceable right in favour of the petitioners. More-so, when the question involved and right claimed is governed by a

[5] (2004) 9 SCC 481
[6] 2013 (2) Mh.L.J

constitutional provision namely Article 341/342 of the Constitution. By placing reliance on the Information Bulletin 'NEET-PG 2024', it is urged that different States have different eligibility criteria and reservation policies. State Government/Counselling authorities were requested to create their own application forms customized to their requirements to determine the eligibility of the candidates for opting for seats in the concerned State based on their eligibility criteria, reservation policies, benefit to in-service candidates and benefit to candidates who have undergone rural/difficult area postings.

9. Heavy reliance is placed on three Constitution Bench judgments of the Supreme Court in **Marri Chandra Shekar Rao v. Dean, Seth G.S.Medical College**[7], **Action Committee v. Union of India**[8] and **Bir Singh v. Delhi Jal Board**[9]. It was urged that in these judgments, it was poignantly held that even if a particular caste is reserved category caste in both the States, unless a specific certificate is issued by the Competent Authority of the particular State where the selection is taking place, the certificate issued by another State is not acceptable.

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[7] (1990) 3 SCC 130
[8] (1994) 5 SCC 244
[9] (2018) 10 SCC 312

10. Learned Advocate General also placed reliance on the definition of 'law' as per Section 2 (f) of **the Andhra Pradesh Reorganisation Act, 2014** ('Reorganisation Act') and referred the same to show that the laws prevailing earlier will continue only for ten years as per the Presidential Order. Thus, any stipulation in previous prospectus issued within those ten years permitting caste certificate of the other State will not create any right in favour of the petitioners. A conjoint reading of Section 95 of the Reorganisation Act, Article 371-D of the Constitution and the Presidential Order, leaves no room for any doubt that the benefit of the caste certificate issued by the Government of Andhra Pradesh does not confer caste status on the petitioners for selection in the State of Telangana.

11. No other point is pressed.

12. We have heard at length and perused the record.

13. During the course of hearing, the parties jointly submitted that the legal question in these batch of matters are similar and only in W.P.No.1359 of 2025, the caste certificate was issued in the year 2013 i.e., at the time of unified State of Andhra Pradesh.

Findings:-

14. Learned Senior Counsel for the petitioners has filed written legal submissions in addition. It is apposite to reproduce the relevant portion, which reads thus:

> "I. It is submitted that a prospectus is not law and not even executive instruction, but is merely a handbook for students given by the concerned University. It is submitted in such a case a prospectus cannot remove or determine whether caste certificates given by the residual State of Andhra Pradesh may be applicable in the bifurcated State of Telangana. Only statute or delegated legislation in the form of Rules may seek to determine constitutionally protected in the form of caste certificate and an ordinary prospectus cannot determine whether caste certificate of the residual State of Andhra Pradesh may or may not be applicable in the State of Telangana."
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> (Emphasis Supplied)

15. It is noteworthy that challenge in these Writ Petitions is to Clause 4.2 of the prospectus dated 30.10.2024, which in the opinion of the petitioners itself is neither law nor an executive instruction. As projected by the petitioners, in the previous prospectus, the caste certificate issued by the State of Andhra Pradesh was admissible in the State of Telangana and this provision is changed in Clause 4.2 of the impugned prospectus. In this backdrop, the argument based on **Tej Prakash Pathak** (supra) was developed by contending that rule of game cannot be permitted to be changed midway and to the detriment of the

candidate. In view of the stand of the petitioners themselves, the prospectus cannot be treated as law or executive instruction or Rule. Thus, the principle of changing the rule of game midway and judgment in the case of **Tej Prakash Pathak** (supra) cannot be pressed into service.

16. The matter may be viewed from another angle. Even assuming that impugned clause of the prospectus has some force, by no stretch of imagination, it can have more force than the constitutional provision i.e., Article 341 of the Constitution, which reads thus:

> "**Article 341. Scheduled Castes:-**
>
> (1)The President may with respect to any State or Union territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or group within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes **in relation to that State** or Union territory, as the case may be.
>
> (2)Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."
>
> (Emphasis Supplied)

17. The words 'in relation to that State' used in Article 341 (1) are of great significance and importance. In the light of this expression, the question cropped up before the Constitution

Bench in **Marri Chandra Shekar Rao** (supra) is whether the petitioner therein can claim the benefit of being an Schedule Tribe (ST) in the State of Maharashtra though he had, as he states, an ST Certificate in the State of Andhra Pradesh? Pertinently, in the said case, the petitioner therein belonged to Goudi, also known as Gouda community, which is a Schedule Tribe Community in the State of Andhra Pradesh. The petitioner therein participated in the selection in MBBS course in local colleges run by Bombay Municipal Corporation/State of Maharashtra. Indubitably, ST candidates of Maharashtra, who secured lesser marks than the petitioner therein, were admitted. The litigation originated because of the said reason and petitioner therein claimed that the caste certificate issued by the State of Andhra Pradesh must be honoured in the State of Maharashtra. The Apex Court opined as under:

> "22. In that view of the matter, we are of the opinion that the petitioner is not entitled to be admitted to the medical college on the basis of Scheduled Tribe Certificate in Maharashtra. In the view we have taken, the question of petitioner's right to be admit- ted as being domicile does not fall for consideration."
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> (Emphasis Supplied)

18. Another Constitution Bench in **Action Committee** (supra) followed the *ratio decidendi* of judgment of **Marri Chandra Shekar Rao** (supra) and opined that the caste certificate issued by one

State cannot be used in another State. Despite the fact that relevant community in both the States is notified as reserved community. Both the aforesaid Constitution Bench judgments were again considered by another Constitution Bench in **Bir Singh** (supra) and the Court after following the dicta of previous judgments opined as under:

> "24. Whenever States' reorganisation had taken place in the past, Parliament had exercised its powers under Articles 341(2) and 342(2) and provided for specific Castes/Tribes that were entitled to be recognised as Scheduled Castes and Scheduled Tribes in relation to the reorganised States/Union Territories. The Scheme of the Constitution (Scheduled Castes) and (Scheduled Tribes) Orders makes it clear that Parliament's intention was to extend the benefits of reservation in relation to the States/Union Territories only to the castes, races or tribes as mentioned in the Presidential Orders."
>
> (Emphasis Supplied)

19. In paragraph No.34 of the said judgment, it was poignantly held as under:

> "34. Unhesitatingly, therefore, it can be said that a person belonging to a Scheduled Caste in one State cannot be deemed to be a Scheduled Caste person in relation to any other State to which he migrates for the purpose of employment or education. The expressions "**in relation to that State** or Union Territory" and "for the purpose of this Constitution" used in Articles 341 and 342 of the Constitution of India would mean that the benefits of reservation provided for by the Constitution would stand confined to the geographical territories of a State/Union Territory in respect of which the lists of Scheduled Castes/Scheduled Tribes have been notified by the Presidential Orders issued from time to time. A person notified as a Scheduled Caste in State 'A' cannot claim the same status in another State on the basis that he is declared as a Scheduled Caste in State 'A'."
>
> (Emphasis Supplied)

20. In view of these binding Constitution Bench judgments, there is no manner of doubt that caste certificate issued by the State of Andhra Pradesh is not acceptable for the selection in question in State of Telangana.

21. As per G.O.Ms.No.2, dated 22.01.2015, the Government of Telangana specified the communities and competent authorities, who can issue caste certificates. The relevant portion reads thus:

Annexure -I

Column I		**Column 2**	**Column 3**
Sl.No.	**Specified Community**	**Competent Authorities**	**Jurisdiction**
Scheduled Castes			
34.	Mala, mala Ayawaru	All Tahsildars in the State not below the Rank of Deputy Tahsildars	Within the Territorial Jurisdiction of a Mandal
35.	Mala Dasari	-do-	-do-
36.	Mala Dasu	-do-	-do-
37.	Mala Hannai	All Revenue Officials not below the Rank of a RDO/Sub-Collector/or Asst. Collector in the State	Territorial Jurisdiction of a Revenue Division held by RDO/Sub-Collector/Assistant Collector
38.	Malajangam	-do-	-do-
39.	Mala Masti	-do-	-do-
40.	Mala Sale, Nethani	All Tahsildars in the State not below the Rank of Deputy Tahsildars	Within the Territorial Jurisdiction of a Mandal
41.	Mala Sanyasi	All Revenue Officials not below the Rank of a RDO/Sub-Collector/or Asst. Collector in the State	Territorial Jurisdiction of a Revenue Division held by RDO/Sub-Collector/Assistant Collector

22. Admittedly, the caste certificates of the petitioners have not been issued by the said competent authorities of the State of Telangana. For this reason also, their caste certificates cannot be pressed into service in the selection in question.

23. So far, the judgments in **A. Satish Kumar** and **Swarn Rekha Cokes and Coals (P) Ltd** (both supra) on which heavy reliance is placed are concerned, suffice it to say that both the judgments are not dealing with the question of caste certificates. The judgment in **A. Satish Kumar** (supra) was arising out of criminal proceedings, whereas the judgment in **Swarn Rekha Cokes and Coals (P) Ltd** (supra) deals with exemption/concession /rebate under sales tax of the Bihar Finance Act, 1981.

24. The three Constitution Bench Judgments in **Marri Chandra Shekar Rao**, **Action Committee** and **Bir Singh** (all supra) are directly on the point dealing with the questions involved in the present batch of matters. Thus, we are bound by the Constitution Bench judgments which clearly deal with the question in hand. It is trite that precedent is what is actually decided by the Court and not what is logically flowing from it (see **State of Orissa v.**

Sudhansu Sekhar Misra[10] and **Chanchal Goyal (Dr) v. State of Rajasthan**[11]). It is equally settled that a singular different fact or point involved in a matter may change the precedential value of the judgment (see **Bhavnagar University v. Palitana Sugar Mill (P) Ltd**[12]). Thus, the judgments in the case of **A. Satish Kumar** and **Swarn Rekha Cokes and Coals (P) Ltd.** (both supra) are of no assistance to the petitioners.

25. The petitioner also placed reliance on the Division Bench judgment of Bombay High Court in the case of **Preeti Gopal Rao Kamble** (supra) and **Shweta Santalal Lal v. State of Maharashtra**[13], wherein the Constitution Bench judgments in **Marri Chandra Shekar Rao**, **Action Committee** and **Sudhakar Vithal Kumbhare** (relied upon by the petitioners) (all supra) were also considered and the Full Bench opined as under:

> "23. We propose to deal with each of the conclusions.
>
> (i) to (ix)...
>
> (x) Insofar as conclusion (x) is concerned, having explained the Judgment **in Sudhakar's case which is the Judgment of the Bench of three Judges and the two Constitution Bench Judgments in Marri Chandrashekhar and Action Committee, the scheduled castes and scheduled tribes from any locality which has been divided upon Reorganization of States and such caste or tribe is also**

[10] AIR 1968 SC 647
[11] (2003) 3 SCC 485
[12] (2003) 2 SCC 111
[13] 2010 (2) Mh.L.J

recognized as Scheduled Caste and Scheduled Tribe in the newly formed State, such migrant would not be entitled to benefit of reservation in the State of migration but would be entitled only of benefit in the State of origin."

(Emphasis Supplied)

26. In view of the forgoing discussion, it is clear that curtains on the question involved are finally drawn by the three Constitution Bench judgments of the Supreme Court and the same view is followed in **Ranjana Kumari v. State of Uttarakhand**[14].

27. In view of these Constitution Bench judgments (supra), we are unable to persuade ourselves that the caste certificate issued by the State of Andhra Pradesh can confer any constitutional or vested right to the petitioners to enjoy the caste status in the State of Telangana.

28. The case of the Writ Petitioner in W.P.No.1359 of 2025 must meet the same fate because after formation of the States of Telangana and Andhra Pradesh, new notifications came into being prescribing reserved categories and the competent authorities, who can issue such certificates for both the States. Admittedly, certificate of this petitioner is not issued by any such competent authority from the State of Telangana.

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[14] (2019) 15 SCC 664

29. Thus, no relief is due to the petitioners in this batch of petitions. All the petitions *sans* substance and are hereby **dismissed**. *Ad interim* orders granted earlier shall stand vacated. There shall be no order as to costs. Miscellaneous applications, if any, pending shall stand closed.

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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AND
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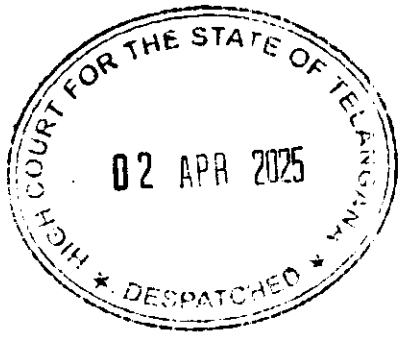
MP
BS

HIGH COURT

DATED:10/02/2025

COMMON ORDER

W.P.Nos.1255, 1359, 2493, 2501, 2506 AND 2507 OF 2025



DISMISSING THE WRIT PETITIONS WITHOUT COSTS

26
04/03/25