

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Backward Classes Welfare Department – Inclusion of Muslim Community within the purview of Backward Classes of Citizens under Articles 15(4) and 16(4) of the Constitution and to provide 5% (five percent) reservations in educational institutions and employment in the State over and above the reservations presently available to the Backward Classes under Category "E" in addition to the existing A, B, C, D Categories – Recommendations of A.P. Commission for Backward Classes – Orders – Issued.

BACKWARD CLASSES WELFARE (C2) DEPARTMENT

G.O.Ms.No.18.

Dated. 25-6-2005.

Read the following:-

- 1) G.O.Ms.No. 1793, Edn. Education Department Dated 23-9-1990.
- 2) G.O. Ms. No. 33, Backward Classes Welfare (C2)
Department., dt. 12-7-2004
- 3) From the High Court of A.P., Hyderabad, order dated. 21-9-2004 in
W.P.Nos. 12239, 12552, 12653, 12744, 13059, 13073 & 13113 of 2004.
- 4) G.O.Ms.Nos.57 and 58, Backward Classes Welfare (C2)
Department, dt. 18-11-2004 and 6-12-2004.
- 5) Govt. Letter No.5488/C2/2004-3, Backward Classes Welfare
(C2) Department, dt. 1-12-2004.

ORDER:

The following Notification shall be published in the extraordinary issue of A.P. Gazette dated 25th June, 2005.

NOTIFICATION

Whereas, the existing list of Socially and Educationally Backward Classes and various concessions in regard to reservations in Services and Educational Institutions were set out in G.O.Ms.No.1793, Education Department dated 23-9-1970 based on the report of the Andhra Pradesh Backward Classes Commission, 1970, appointed in G.O. Ms. No.870, dated 12-4-1968. The recommendation of the Commission that Government may review the position in regard to Socially and Economically Backward Classes (Other than Scheduled Castes and Scheduled Tribes) and special provisions made for their advancement, after a period of ten years was also accepted by the Government in aforesaid G.O. The list of Backward Classes appended to the aforesaid G.O. has been amended from time to time.

2. And whereas, based on the recommendations made by the Commissioner of Minorities Welfare, orders were issued in G.O. Ms.No.33, Backward Classes Welfare Department dated 18-11-2004 providing 5% (five percent) reservations in educational institutions and employment in the State

over and above the reservations presently available to the Backward Classes and the Muslim Minorities to be treated as Backward Classes under Category "E" in addition to the existing A, B, C, D Categories.

3. And whereas, the High Court of A.P., Hyderabad, in its Judgment dt:21-9-2004 in W.P. Nos. 12239, 12552, 12653, 12744, 13059, 13073 & 13113 of 2004 considering the facts and circumstances of the case has viewed that the impugned G.O.Ms.No.33 is unsustainable, and at the most it can be treated as reference of the Government to the Commission for Backward Classes. The High Court directed the State Government to reconstitute the Commission for Backward Classes and the Government shall initiate the process of consultation and forward the necessary material, including the G.O.Ms.No.33, to the Commission for Backward Classes. The High Court further directed that on receipt of the same, the Commission for Backward Classes shall examine the same, and submit a report to the Government within a period of four months, for taking appropriate action in this regard by the Government and the Government has to pass appropriate orders within a period of three months thereafter, considering the dicta laid down by the Supreme Court in INDRA SAWHNEY Case.

4. And whereas, in view of the aforesaid directions of the High Court of A.P. the Government have issued orders constituting the Andhra Pradesh Commission for Backward Classes, consisting of one Chairman and three Members and one Member Secretary with certain terms and conditions Vide G.O.Ms.No.57, Backward Classes Welfare Department dated 18-11-2004. The Commission assumed charge on 22-11-04. The Government sought the opinion of the A.P. Commission for B.Cs under section 9(1) of the A.P. Commission for Backward Classes Act 1993 (Act 20 of 1993) whether to include Muslim Community within the purview of Backward Classes of citizens under articles 15(4) and 16(4) of the Constitution and requested to furnish the advise of the Commission to the Government as it deems appropriate at the earliest.

5. And whereas, the Backward Classes Commission has presented its report on 14.6.2005 to the Government.

6. And whereas, the Government considered the recommendations of the A.P. Commission for Backward Classes and the Governor of Andhra Pradesh promulgated Andhra Pradesh Reservation of seats in the Educational Institutions and of appointments or posts in the public services under the State to Muslim Community Ordinance 2005.

7. Now, therefore, for the purposes of Articles 15(4) and 16(4) of the Constitution of India and in exercise of the powers conferred under Section 6 of the Andhra Pradesh Reservations of seats in Educational Institutions and of appointments or posts in public services under the State to Muslim Community Ordinance, 2005, the Government of Andhra Pradesh, hereby, notify, the Muslims residing in the State (Other than Dudekula, Laddaf, Pinjari/Noorbash and Mehtar), as Socially and Educationally Backward and include them in the list of Backward Classes under separate Category "E" (Which shall be in addition to the existing "A", "B", "C" and "D" Categories).

8. Accordingly, the Government of Andhra Pradesh hereby provide 5% (Five percent) reservation of seats in Educational Institutions and in appointment or posts in the public service under the State to the Muslims residing in the State (Other than Dudekula, Laddaf, Pinjari/Noorbash and Methar who are already included in the list of Backward Classes).

9. The Creamy Layer under category “E” shall be such, as may be determined by the State Government and till such determination takes place, the guidelines issued by the Government of India from time to time shall be followed.

10. All the concerned Departments are requested to make necessary amendments to the rules and regulations in this regard.

11. These orders will come into force with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Md. SHAFIQUZZAMAN,
PRINCIPAL SECRETARY TO GOVERNMENT.

To

The Commissioner,

Printing Stationary and Stores Purchase, A.P.,
Hyderabad for publishing in the
Extraordinary issue of Andhra Pradesh Gazette
dated 25th June, 2005 and furnish 100 copies
to the Government.

The Member Secretary,

A.P. Commission for Backward Classes, Hyderabad.

The Ex-Officio Commissioner, Commissionerate of
Minorities Welfare, A.P., Hyderabad.

The Commissioner, Backward Classes Welfare, A.P., Hyderabad.

All the District Collectors in the State.

All Departments in Secretariat.

The Vice Chairman & Managing Director, A.P. Backward Classes
Co-operative Finance Corporation Ltd., Hyderabad.

Copy to Special Secretary to C.M.

Copy to P.S. to M(BCW)

Copy to I & P.R.Dept.

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SECTION OFFICER

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Backward Classes Welfare Department – Inclusion of Muslim Community within the purview of Backward Classes of Citizens under Articles 15(4) and 16(4) of the Constitution and to provide 5% (five percent) reservations in educational institutions and employment in the State over and above the reservations presently available to the Backward Classes under Category "E" in addition to the existing A, B, C, D Categories – Recommendations of A.P. Commission for Backward Classes – Amendment - Orders – Issued.

BACKWARD CLASSES WELFARE (C2) DEPARTMENT

G.O.Ms.No. 20.

Dated. 30-6-2005.

Read:-

G.O.Ms.No. 18, Backward Classes Welfare (C2) Department
dated 25-6-2005

ORDER:

The following Notification shall be published in the extraordinary issue of A.P. Gazette dated 30th June, 2005.

NOTIFICATION

For the purposes of Articles 15(4) and 16(4) of the Constitution of India and in exercise of the powers conferred under Section 6 of the Andhra Pradesh Reservations of seats in Educational Institutions and of appointments or posts in public services under the State to Muslim Community Ordinance, 2005, the Government of Andhra Pradesh, hereby, makes the following amendments to the orders issued in G.O.Ms.No.18 Backward Classes Welfare Department, dated 25.6.2005 and published in the A.P. Gazette Part – I Extraordinary dated 25.6.2005.

The amendment hereby made shall be deemed have come into force with effect from 25.6.2005.

AMENDMENTS

In the said order,-

- 1) 1) In para 2, for the date "18-11-2004" the date "12-7-2004" shall be substituted.
- 2) 2) (i) The existing para 9 shall be numbered as para 9 (B)
- (ii) After it is so renumbered, the following paragraph shall be inserted, namely,-

"9(A) The Members belonging to Creamy Layer amongst the category 'E' shall not be entitled for reservations."

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Md. SHAFIQUZZAMAN,
PRINCIPAL SECRETARY TO GOVERNMENT.