

**GOVERNMENT OF ANDHRA PRADESH
BACKWARD CLASSES WELFARE DEPARTMENT**

From

Syed Omer Jaleel, I.A.S.,
Director of BC Welfare,
Hyderabad
A.P., Hyderabad.

To

The Secretary,
AP Public Service Commission,

All the Heads of the Departments,
The District Collectors,
The Registrars of Universities and
The Dist. BC Welfare Officers in the

State.

Rc.No. 8267/E/2011, Date: 04-06-2012

Sir / Madam,

SUB : BCWD – Reservations for Muslims – Setting aside of 4.5% sub quota provided to the Minorities in Civil Posts and Services under Government of India within the 27% quota earmarked for Other Backward Classes by the Hon'ble High Court of Andhra Pradesh on 28-05-2012 – Issue of certain clarification with regard to its impact on 4% reservations provided to certain Socially and Educationally Backward Classes of Muslims by the Govt. of Andhra Pradesh under BC – E category – Regarding.

REF : 1. Office Memorandum No. 41018/2/2011 - Estt. (Res.), Dt. 22-12-2012 Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Government of India.
2. Judgment of Hon'ble High Court of Andhra Pradesh on 28-05-2012 on provision of 4.5% quota for Minorities within the 27% quota earmarked for Other Backward Classes under Government of India.
3. G.O.Ms.No.23, BC Welfare (C2) Department, Dt. 07.07.2007.

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I invite kind attention to the subject and references cited.

It is to inform that the Govt. of India have issued orders vide its Office Memorandum No. 41018/2/2011 - Estt. (Res.), Dt. 22-12-2011, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training providing **4.5% sub – quota for the Minorities** in Civil Posts and Services under the Govt. of India **within the 27% quota earmarked for Other Backward Classes.**

However, the said Office Memorandum has been challenged in a batch of Writ Petitions before the Hon'ble High Court of Andhra Pradesh by Sri R. Krishnaiah, President of AP Backward Classes Welfare Association and others.

The Hon'ble High Court of Andhra Pradesh in its judgment delivered on 28-05-2012 has set aside the said Office Memorandum issued by the Govt. of India providing 4.5% sub – quota for the Minorities in Civil Posts and Services under the Govt. of India within the 27% quota earmarked for Other Backward Classes.

As a result of the above judgment of the Hon'ble High Court of Andhra Pradesh, Dated: 28-05-2012, the 4.5% sub quota provided to the Minorities including Muslims within the 27% quota earmarked for Other Backward Classes under Govt. of India has been struck down. **Here, it may be noted that the judgment relates only to the reservations provided to the Minorities including Muslims under Govt. of India.**

But, the said **judgment** Hon'ble High Court of Andhra Pradesh, Dated: 28-05-2012 **doesn't have any bearing on 4% reservations** provided to certain Socially and Educationally Backward Classes of Muslims under the Govt. of Andhra Pradesh vide G.O.Ms.No.23, BC Welfare (C2) Dept., Dt. 7.7.2007 under BC – E category. These reservations under BC – E category under the Govt. of Andhra Pradesh will continue as they are as per the interim orders of the Hon'ble Supreme Court of India, dated: 25-03-2010 and they are subject to the final orders of the Hon'ble Supreme Court of India to be delivered in the matter.

However, in view of the said judgment of Hon'ble High Court of Andhra Pradesh, Dated: 28-05-2012, **there is slight confusion** regarding its impact on 4% reservations provided to certain Socially and Educationally Backward Classes of Muslims under the Govt. of Andhra Pradesh under BC – E category. Further, some complaints are also being received in this regard that the Departments, Recruiting agencies, Universities, Educational Institutions etc., under the Govt. of Andhra Pradesh are not extending the benefit of 4% reservations provided to certain Socially and Educationally Backward Classes of Muslims under BC – E category.

In view of the above, it is clarified that said **judgment of Hon'ble High Court of Andhra Pradesh, Dated: 28-05-2012 doesn't affect the 4% reservations provided to certain Socially and Educationally Backward Classes of Muslims under BC – E category under the Govt. of Andhra Pradesh** as this is a separate case.

In this context, it is further informed that **the issue of 4% reservations** provided to certain Socially and Educationally Backward Classes of Muslims under BC – E category under the Govt. of Andhra Pradesh is **subjudice** in the Hon'ble Supreme Court of India.

Since the Hon'ble Supreme Court of India in its **interim orders**, dated: 25-03-2010 has held that for the time being, **4% reservations** provided to certain Socially and Educationally Backward Classes of Muslims **be extended to the first 14 categories**, the said 4% under BC – E category under the Govt. of Andhra Pradesh can continue **until the delivery of final judgment by the Hon'ble Supreme court of India.**

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Therefore, the fourteen (14) Socially and Educationally Backward Classes of Muslims listed under BC – E **can continue to avail of the 4% reservations in Educational Institutions and Civil Posts under the Govt. of Andhra Pradesh** and all the Departments, Recruiting agencies, Universities, Educational Institutions etc., under the Govt. of Andhra Pradesh shall extend the benefit until the delivery of final judgment by the Hon'ble Supreme court of India.

Yours faithfully,

Sd/- Syed Omer Jaleel
DIRECTOR OF BC WELFARE

Sd/- D. Chandra Sekhar Raju
For DIRECTOR OF BC WELFARE

Copy submitted to the Prl. Secretary to Government, BC Welfare Department,
AP Secretariat, Hyderabad for favour of information.