

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 30829 OF 2024

Between:

1. Mohammad Waheed, S/o Faqeer Mohammad, Occupation: Business, President of Kula Nirmulana Sangham (KNS - Casteless Society of India) Regd No.76/72, D No 7- 5/5/1, Ganesh Nagar, Peerzadiguda, Medchal- Malkajgiri Dist, Hyderabad- 500098
2. DL Krishna Chand, S/o DLD Shankar Rao, Occ Self Employee, General Secretary of Kula Nirmulana Sangham (KNS - Casteless Society of India) R/o.4-7-10/15/1, Raghavendra Nagar, Nacharam, Medchal- Malkajgiri Dist, Hyderabad- 500076.

...Petitioners

AND

1. The State of Telangana, Represented by the Principal Secretary, General Administrative Department GAD, Secretariat, Hyderabad.
2. The State of Telangana, Rep. by its Principal Secretary, Social Welfare Department, Secretariat, Hyderabad - 500022.
3. The State of Telangana, Rep. by its Principal Secretary, Backward Classes Welfare Department, Dr. B. R. Ambedkar. Secretariat, Hyderabad.
4. The Telangana State Commission for Backward Classes, Rep. by its Member Secretary, H.No.6-29-15, 4th Floor, Rear Block, Hyderabad Metropolitan Water Works and Sewerage Board premises, Khairtabad, Hyderabad.

...Respondents

WHEREAS the Petitioner above named through their Advocate Sri D Suresh Kumar presented this 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 pass a writ, order or direction more particularly one in the nature of Writ of Mandamus under Article 226 of Constitution of India by declaring the action of the Respondent State in not considering the representations of the Petitioners various dates such as 29.10.2024 and 01.11.2024 to the Respondents to create column to record and enumerate the people like the petitioners who are opting voluntarily for an identity of No Religion and No Caste in the ensuing Samagra Intinti Kutumba Survey (Comprehensive Social Economical, Educational, Employment, Political and Caste Survey) beginning from 06-11-2024 is illegal and unlawful and against the Article 14, 19, 21 and 25 of Constitution of India and also against the implementing the orders in their letter and spirit of the directions of the High Court given in W.P.No.27398 of 2021 and WP (PIL) 66 of 2017 consequently direct the Respondents concern to create an additional column to the existing columns in order to correctly represent

the identity of those people like the Petitioners who are opting their identity of No Religion (NR) Under Schedule No 5 with code No 07 be recorded as (NR) instead of Other Religions with code No 00 and their Social classification Category Under Schedule No 6 with Code No 05 be Recorded as (NR NC) and also their identity of No Caste (NC) Under Schedule No 7 with Code No E be Recorded as NC, further the additional name identity being allowed as per choice of the enumerated individual under Schedule 8 be recorded with "No Religion and No Caste" identity so as to ensure and bring the correct Social data of the contemporaneous rigorous empirical enquiry being conducted by the Respondent Government from 06-11-2024 onwards and also direct the same manually collected written forms data be entered and to be uploaded in the online entry Formats in all the official Records also by giving necessary guide lines in the facts and circumstances;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri D Suresh Kumar, Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, General Administrative Department GAD, Secretariat, Hyderabad.
2. The Principal Secretary, Social Welfare Department, Secretariat, Hyderabad - 500022.
3. The Principal Secretary, Backward Classes Welfare Department, Dr. B. R. Ambedkar. Secretariat, Hyderabad.
4. The Member Secretary, Telangana State Commission for Backward Classes, H.No.6-29-15, 4th Floor, Rear Block, Hyderabad Metropolitan Water Works and Sewerage Board premises, Khairatabad, Hyderabad.

are directed to show cause on or before **04.12.2024** to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2024

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 order forthwith directing the Respondents concern to create an additional column to the existing columns in order to correctly represent the identity of those people like the Petitioners who are opting their identity of No Religion (NR) Under Schedule No 5 with code No 07 be recorded as (NR) instead of Other Religions with code No 00 and their Social classification Category Under Schedule No 6 with Code No 05 be Recorded as (NR NC) and also their identity of No Caste (NC) Under Schedule No 7 with Code No E be Recorded as NC, further the additional name identity being allowed as per choice of the enumerated individual under Schedule 8 be recorded with "No Religion and No Caste" identity so as to ensure and bring the correct Social data of the contemporaneous rigorous empirical enquiry which is being conducted by the Respondent Government from 06-11-2024 onwards and also direct the same manually collected written forms data be entered and to be uploaded in the online entry Formats in all the official Records also by giving necessary guide line in the facts and circumstances, pending disposal of WP No. 30829 of 2024, on the file of the High Court.

The Court made the following: ORDER

Heard learned counsel appearing on behalf of the petitioners and the learned Special Government Pleader appearing on behalf of the respondents.

Notice before admission.

The petitioners approached the Court contending that the respondent state is not considering the representations of the petitioner's dated 29.10.2024 and 01.11.2024 pertaining to petitioners' request for enumerating/recording people with "No Religion/No Caste [NRNC] in the proposed empirical enquiry scheduled to be conducted by the Respondent Government from 06.11.2024 onwards.

The learned Special Government Pleader contends that there is no inaction of the part of the respondents as alleged by the petitioners since petitioners representations are dated 29.10.2024 and 01.11.2024 and petitioners filed the present Writ Petition on 04.11.2024.

This Court opines that the said plea that the Respondent Government is not considering is untenable since admittedly the petitioners' representations made to the State Government are very recent representations dated 29.10.2024 and 01.11.2024.

It is pertinent to bring on record the observations of the Division Bench of this Court at para Nos.22 and 23 of its judgment, dated 21.10.2024 in Writ Petition[PIL] No.66 of 2017 filed by the petitioners there under seeking relief as under:-

".....issue a Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring to issue a direction orders or writ more particularly one in the nature of writ of mandamus under Article 226 of Constitution of India declaring the inaction of the Respondent Governments in taking any action even after receiving the representations of the petitioner for the social identity stating their status of Religion and Caste as Non Religious and No Caste in all walks of life from birth to death including School Admission forms On line examination form of SSC in School leaving Transfer Certificates and all education and employment enrollment forms and also in the Indian Census Forms and such other similar forms wherever identity is required to all those citizens who are opting like the Petitioners for the status of Non Religious and No Caste identity is denied in the existing format as it does not allow the identity status of those individuals or to the parents of children as Non Religions and No Caste identity even when they opted for it in view of the non availability of any such provision in any

of the said forms is against the very secular spirit of the Indian constitution apart from being violative of the Articles 14 19 and 21 and also 25 of Constitution of India consequently direct the Respondents to take steps to frame and issue appropriate guidelines and provisions to record the Non Religious and No caste as an identity in addition to all other existing identities in all education and employment institutions under their respective jurisdictions and also direct to receive the application for admissions of petitioners minor children or any other similar relief seeking persons either at joining time or at the time of leaving the school and in filling the on line formats of SCC exams such others or in issuing Record Sheet/Transfer Certificate of the Education Institutions like the 7th Respondent be directed to receive and record the identify as Non Religions and No Caste and also direct to make necessary changes to all the official records of state and central Governments like the Census Recording forms and formats where the identity of Non Religious is required and pass....”

A bare perusal of the prayer (referred to and extracted above) indicates that the petitioners had filed the said PIL seeking a direction to the respondents to take steps to issue appropriate guidelines and provisions to record Non Religious and No caste as an identity in addition to all other existing identities in all education and employment institutions under their respective jurisdiction.

Para Nos. 22 and 23 of the judgment of the Division Bench of this Court dated 21.10.2024 in Writ Petition [PIL] No.66 of 2017 is extracted hereunder:-

22. It is also pertinent to note that persons who practice ‘no religion’ have been granted the liberty by the Indian Census Commission not to mention any caste. In the absence of any quantifiable data with regard to the persons who are aggrieved, on whose behalf this public interest litigation has been filed, it is not possible for us to issue any directions in this public interest litigation.

23. Even otherwise, the fact that the petitioners had approached this Court by filing W.P.No.9469 of 2010 and other aggrieved persons had filed W.P.No.27398 of 2021 before this Court, in which they were granted the relief. It is evident that the aggrieved persons are in a position to approach this Court for redressal of their grievance. From perusal of paragraph 12 of the counter affidavit filed on behalf of the respondent No.5, it is evident that it is the stand of the School Education Department that the petitioners are at liberty to mention no caste and no religion in an appropriate column and for not mentioning the details of religion and caste, admission will not be denied to a child. In

view of the stand taken by the School Education Department, it is not necessary for us to issue any direction in this public interest litigation

Taking into consideration the observations of the Division Bench of this Court at para Nos.22 and 23 of the judgment, dated 21.10.2024 in Writ Petition [PIL] No.66 of 2017 (referred to and extracted above), this Court is not inclined to allow the I.A.No.1 of 2024 filed by the petitioners herein as prayed for.

Article 25(1) of the Constitution of India is extracted hereunder:-

25. Freedom of conscience and free profession, practice and propagation of religion

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion.

Taking into consideration Article 25(1) of the Constitution of India (referred to and extracted above) and since Article 25 (1) of the Constitution of India includes in itself freedom of an individual to State that he does not belong to any religion or any caste, the respondents are however directed to forthwith consider the representations of the petitioners dated 29.10.2024 and 01.11.2024 pertaining to petitioners' request for enumerating/recording people with "No Religion/No Caste [NRNC], duly considering Article 25 (1) of the Constitution of India and take a decision thereon in accordance to law in view of the fact that empirical enquiry is scheduled to be conducted by the respondent Government from 06.11.2024 onwards and communicate the said decision to the petitioners herein.

List on 04.12.2024 for counter of respondents.

//TRUE COPY//

Sd/- CH.MANJULA DEVI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, General Administrative Department GAD, Secretariat, Hyderabad.
2. The Principal Secretary, Social Welfare Department, Secretariat, Hyderabad - 500022.
3. The Principal Secretary, Backward Classes Welfare Department, Dr. B. R. Ambedkar. Secretariat, Hyderabad.

4. The Member Secretary, Telangana State Commission for Backward Classes, H.No.6-29-15, 4th Floor, Rear Block, Hyderabad Metropolitan Water Works and Sewerage Board premises, Khairtabad, Hyderabad. (**Addresses 1 to 4 by RPAD- along with a copy of petition and Affidavit**)
 5. One CC to Sri. D Suresh Kumar Advocate [OPUC]
 6. Two CCs to GP FOR General Administration, High Court at Hyderabad. [OUT]
 7. One spare copy
- SP**

HIGH COURT

SN,J

DATED:05/11/2024

**LIST ON 04.12.2024 FOR COUNTER OF
RESPONDENTS**

NOTICE BEFORE ADMISSION

WP.No.30829 of 2024

DIRECTION

