

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

General Administration Department - Implementation of 10% Reservation to the Economically Weaker Sections (EWS) for initial appointments in the Posts and Services under the State Government - Orders – Issued.

GENERAL ADMINISTRATION (SERVICES-D) DEPARTMENT

G.O.MS.No. 66

Dated: 14-07-2021.
Read the following:-

1. The Constitution (One Hundred and Third Amendment) Act, 2019, Dt:12.01.2019 communicated from the Ministry of Law and Justice (Legislative Department), Government of India.
2. Office Memorandum F.No.36039/1/2019-Estt (Res.) Dt:19.01.2019 and Dt.31.01.2019 of the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Government of India.
3. Office Memorandum F.No.20013/01/2018-BC-II, Dt:17.01.2019 of the Ministry of Social Justice and Empowerment, Department Social Justice and Empowerment, Government of India read with Office Memorandum F.No.12-4/2019-U1, Dt: 17.01.2019 of the Ministry of Human Resource Development, Department of Higher Education, Government of India.
4. L.A. Bill No.33 of 2017, Published in Part IV-A Extraordinary, dated 02.12.2017.
5. Lr.No.173/Legn./2017-6, dated:08.01.2018 of Secretary to Legislature (I/C), A.P. addressed to the Secretary to Govt. of India, Ministry of Home Affairs, New Delhi.
6. Act No.14 of 2019, Dated.20.02.2019 and Act No.15 of 2019, Dated.20.02.2019, published in PART IV-B EXTRAORDINARY, Dated: 20.02.2019.
7. G.O.Ms.No.45 and G.O.Ms.No.46, BCW(F) Dept., Dated: 08.03.2019.
8. W.P.(CIVIL)No. 343 of 2019 with I.A.No.45038/2019 filed by Sri P.V. Ramakrishna and others before the Hon'ble Supreme Court of India.
9. W.P. No.4568 of 2019 filed by Dr. GajulaMadhusudana and others before the Hon'ble High Court of Andhra Pradesh.
- 10.W.P. No.5206 of 2019 filed by Dr. GajulaMadhusudana and others before the Hon'ble High Court of Andhra Pradesh.
- 11.W.P. No.8556 of 2019 filed by Sri Kalle Chandra Sekhar Sharma and Smt. KalleMitravinda before the Hon'ble High Court of Andhra Pradesh.
- 12.G.O.Ms.No.60, BC Welfare (F) Department, Dt.27.07.2019.

ORDER:

The Government of India, in the reference first read above, have brought out the Constitution (One Hundred and Third Amendment) Act, 2019 inserting Clause (6) in Article 15 and Clause (6) in Article 16 in the Constitution providing for 10% reservation in admissions into Educational Institutions and appointments in the posts and services under the State in favour of Economically Weaker Sections (EWS) of citizens other than the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes.

2. In pursuance of the Constitution (One Hundred and Third Amendment) Act, 2019, the Government of India, in the references 2nd and 3rd read above, issued certain guidelines for implementation of the same in Government of India.

- a) The persons who are not covered under existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes and whose gross annual family income is below Rs.8.00 lakh are to be identified as Economically Weaker Sections (EWS) for the benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.
- b) The persons whose family owns or possesses any of the following assets shall be excluded from being identified as Economically Weaker Sections (EWS) for the benefit of reservation, irrespective of the family income.
- i. *Five (5) Acres of agricultural land and above.*
 - ii. *Residential flat of 1000 Sq. Ft. and above.*
 - iii. *Residential plot of 100 Sq. Yards and above in notified Municipalities / Corporations.*
 - iv. *Residential plot of 200 Sq. Yards and above in areas other than notified Municipalities / Corporations.*

The property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status.

The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

3. Government of Andhra Pradesh vide reference 4th cited had enacted a bill to provide for reservation of seats in educational institutions in the State of Andhra Pradesh and of appointments or posts in the services under the State for the Telaga, Ontari and Balija communities including Kapus in BC-F as detailed below:

(i)	Backward Classes	-	Percent	(%)
	Group-A	-	Seven Percent	(7%)
	Group-B	-	Ten Percent	(10%)
	Group-C	-	One Percent	(1%)
	Group-D	-	Seven Percent	(7%)
	Group-E	-	Four Percent	(4%)
	Group-F (Kapus)	-	Five Percent	(5%)
(ii)	Schedule Castes	-	Fifteen Percent	(15%)
(iii)	Schedule Tribes	-	Six Percent	(6%)
			Total	55 %

4. Further vide reference 5th cited, the Secretary to Legislature (I/C), A.P. has sent the bill to the Secretary to Govt. of India, Ministry of Home Affairs, New Delhi for Assent of the Hon'ble President of India and the same is still pending.

5. After enactment of the Constitution (One Hundred and Third Amendment) Act, 2019, the Government of Andhra Pradesh have enacted two Acts viz., Act No.14 of 2019 and Act No.15 of 2019 bifurcating the 10% EWS reservation providing 5% reservation to Economically Weaker Sections among Kapus and 5% reservation to Economically Weaker Sections among other than Kapus respectively, for admissions into Educational Institutions and initial appointments in the posts and services under the State Government. These acts also provided for 1/3rd horizontal reservation for women within the reservation provided to both Kapus and other than Kapus.

6. In the reference 7th read above, the Government issued orders bringing the provisions of the Act 14 of 2019 and Act 15 of 2019 into force with effect from 08.03.2019.

7. Meanwhile, a Writ Petition bearing No. WP (CIVIL) No. 343 of 2019 with I.A.No.45038/2019 has been filed before the Hon'ble Supreme Court of India praying for quashing the Constitution (One Hundred and Third Amendment) Act, 2019 as violative of basic structure of the Constitution and also quashing Act 14 & Act 15 of 2019 enacted by Government of Andhra Pradesh as being violative of Articles 15 (1) & 16 (2) of the Constitution.

8. And, two Writ Petitions have been filed before the Hon'ble High Court of Andhra Pradesh praying for issuing an appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus to the respondents to notify the Rules for implementing the 10% reservation provided to Economically Weaker Sections among Kapus and other than Kapus in Act No.14 of 2019 and Act No.15 of 2019 enacted by the State of Andhra Pradesh.

9. Further, one more Writ Petition has been filed before the Hon'ble High Court of Andhra Pradesh praying for issuing an appropriate Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring Act No.14 of 2019 and Act No.15 of 2019 as ultra vires and un-constitutional, violative of the purport of the Constitution (One Hundred and Third Amendment) Act, 2019 and violative of Article 15 of the Constitution of India and consequently, Act No.14 of 2019 and Act No.15 of 2019, have to be struck down. The Hon'ble High Court of Andhra Pradesh passed interim orders in this case.

10. Besides the above Writ Petitions, certain Public Interest Litigations (PILs) bearing W.P. (PIL) No. 122 of 2019 and W.P. (PIL) No. 130 of 2019 have also been filed in this regard, challenging the sub-categorization of EWS reservation into 5% for EWS among Kapus and 5% for EWS among other than Kapus.

11. As mentioned above, several Writ Petitions and Public Interest Litigations (PILs) have been filed before the Hon'ble Supreme Court of India as well as Hon'ble High Court of Andhra Pradesh challenging the validity of the enactment by the Government of India of the Constitution (One Hundred and Third Amendment) Act, 2019 it self providing for 10% reservation to EWS Category on economic basis and also enactment by the Government of Andhra Pradesh of Act No.14 of 2019 and Act No.15 of 2019 providing for sub-categorization of EWS reservation into 5% for EWS among Kapus and 5% for EWS among other than Kapus.

12. All the Writ Petitions and Public Interest Litigations (PILs) filed in this regard are still pending before the Hon'ble Courts and they are yet to be disposed of. But, only in one of the Writ Petitions bearing No. 8556 of 2019 filed by Sri Kalle Chandra Sekhar Sharma and Smt. Kalle Mitravinda, the Hon'ble High Court of Andhra Pradesh have issued interim orders in public interest and to ensure that the academic session and admission of students is not put to jeopardy in the context of the litigation concerning the same.

13. In due obedience to the interim orders of the Hon'ble High Court of Andhra Pradesh passed in the W.P. No. 8556 of 2019 and in consideration of the academic session and interest of the EWS students, Government have issued orders in the reference 12th cited for implementation of 10% reservation to the Economically Weaker Sections (EWS) for admissions into Educational Institutions in accordance with the purport of the Constitution (One Hundred and Third Amendment) Act, 2019 and as per the guidelines issued by Government of India in this regard.

14. In this context, it is to be noted that the State of Telangana and several other States like Kerala, Madhya Pradesh, Bihar, Uttar Pradesh, Rajasthan, Gujarat etc., have already implemented 10% Reservation in favour of Economically Weaker Sections (EWS) both in Education and Employment in consonance with the Constitution (One Hundred and Third Amendment) Act, 2019. Some of the states have also formulated their own eligibility criteria as far as admissions in educational institutions and appointment in employment of their state government concerned.

15. It is pertinent to note that government of Andhra Pradesh have received several representations from public regarding the implementation of 10% EWS reservation in employment and admission in educational institutions wherein the request for modification of certain eligibility conditions considering the differences in cultural aspects, economic status and geographical diversity among various EWS Communities of the state.

16. Government have implemented EWS reservation for admission in educational institutions as per G.O.Ms.No.60, BC Welfare (F) Department, Dt. 27.07.2019 following the eligibility criteria of both income and assets status of the family. However, the representations received from public were carefully examined and it is felt that certain modifications are necessary due to varied cultural, economic and geographical diversities that make a one size fits all approach rendering the accomplishment of objectives of benefit of reservation to EWS as contemplated under Constitution (One Hundred and Third Amendment) Act, 2019, difficult. Therefore, Government have decided to adopt only the family income criteria of annual income of Rs.8 lakhs.

17. It is pertinent to note that bill No.33/2017 and Act No.14 of 2019 and 15 of 2019 are contradictory to each other. The bill No.33 of 2017 seeks to include Kapus into the list of BCs through creation of a separate category called BC – F and as per the reservations provided in that bill for various categories like BC, SC, ST, the overall reservation is at 55%. Whereas, the Acts 14 and 15 of 2019 seek to provide 5% reservation to Kapus under EWS Category treating them as OCs by creating a sub category within the overall 10% reservation provided by the Constitution (One Hundred and Third Amendment) Act, 2019 of GoI. Bill No.33/2017 is still pending at the level of Government of India. However, in the meantime the Hon'ble Supreme Court vide judgment in Civil Appeal No.3123 of 2020 against the reservation of Maratha Community has clearly reiterated that the overall cap in reservation shall not exceed 50% as originally ordered in Indra Sawhney judgment.

18. Act No.14 of 2019 and 15 of 2019 are challenged before the Hon'ble High Court as the state government is not competent to bifurcate the 10% reservation by creating sub category within a category of reservation and the litigations are still pending. Because of contradiction between bill No.33 of 2017 which is still pending with GoI and Act 14 of 2019 & 15 of 2019 which are under litigation under various Hon'ble courts, Kapus are neither categorized as BCs nor able to avail the reservations under EWS category. Similarly, because of litigations, members from other EWS communities are also not able to avail the reservations as contemplated under the Constitution (One Hundred and Third Amendment) Act, 2019. This issue has been further compounded by recent Supreme Court Judgement restricting the overall reservations to 50%.In view of all the issues as discussed above, any decision taken by the Government of Andhra Pradesh should be in compliance with the Constitution (One Hundred and Third Amendment) Act, 2019. Anything contrary to that leading to litigation denies the benefits of reservation to the members of EWS community as mandated in the Constitution (One Hundred and Third Amendment) Act, 2019.

19. The Government, therefore, after careful examination of the issue and as per the interim orders of the Hon'ble High Court as referred to above, have decided that the principles / guidelines issued in G.O.Ms.No.60, BC Welfare(F)Department, Dt. 27.07.2019 for the purpose of Education, be replicated in the sphere of Employment also for implementation of 10% reservation to the Economically Weaker Sections (EWS) of the citizens, for appointments in initial Posts and Services under the State Government in accordance with the purport of the Constitution (One Hundred and Third Amendment) Act, 2019 in order to benefit Kapus who are neither benefited under BC quota nor under EWS quota and other OC sections who have been deprived of the benefits of reservations thus far due to non-implementation of EWS quota subject to the outcome of several Writ Petitions and Public Interest Litigations (PILs) filed in this regard before the Hon'ble Courts.

20. The operational guidelines in regard to implementation of 10% reservation to the Economically Weaker Sections (EWS) for initial appointments in the Posts and Services under the State Government are as follows.

- i. The persons who are not covered under existing scheme of reservations for the Scheduled Castes, the Scheduled Tribes and the Socially and Educationally Backward Classes and whose gross annual family income is below Rs.8.00 lakh are to be identified as Economically Weaker Sections (EWS) for the benefit of reservation. The Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.
- ii. The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.
- iii. Regarding initial appointments in the posts and services, the persons recruited under EWS category will be adjusted against the roster points earmarked for them. The orders on the roster points earmarked for 10% reservation to EWS category will be issued separately, along with other rules to be framed/amended and guidelines to be formulated, if any.
- iv. 1/3rd (33 1/3) of the initial appointments in posts and services under the State Government earmarked for EWS category shall be allocated to women among them. The one-third reservation earmarked for women is horizontal.
- v. The persons seeking the benefit of reservation under EWS category shall obtain the necessary EWS Certificate issued by the Tahsildar concerned.

21. As far as the posts notified for appointment by Government of India the guidelines issued by the Government of India, vide in the reference 2nd and 3rd read above are applicable.

22. All the Administrative Departments concerned / District Collectors / Appointing authorities in the State shall take necessary action in the matter accordingly.

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

ADITYA NATH DAS
CHIEF SECRETARY TO GOVERNMENT

To
All the Departments in A.P. Secretariat.
All the Heads of Departments in the State.
All the District Collectors in the State.
The Secretary, APPSC, Vijayawada.
The Advocate General, A.P.
The Law Department, A.P. Secretariat.
The Registrar (Admn.), Hon'ble High Court of A.P.

Copy to:

The P.S. to Secretary to the Hon'ble C.M.
The P.S. to the Hon'ble Minister for B.C. Welfare.
The OSD to Chief Secretary to Government.
The P.S. to Spl. C.S., B.C. Welfare Dept.
The Stock File.

// FORWARDED :: BY ORDER //

SECTION OFFICER

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

HIGHER EDUCATION DEPARTMENT - ADMISSION OF STUDENTS IN PROFESSIONAL COURSES IN UNAIDED NON-MINORITY INSTITUTIONS - THE ANDHRA PRADESH UN-AIDED NON-MINORITY PROFESSIONAL INSTITUTIONS (REGULATION OF ADMISSIONS INTO UNDER-GRADUATE AND PHARM-D (DOCTOR OF PHARMACY), PROFESSIONAL COURSES THROUGH COMMON ENTRANCE TEST) RULES 2011 - ORDERS- ISSUED.

HIGHER EDUCATION (EC.2) DEPARTMENT

G.O.Ms.No 74

Dated:28 -07-2011.
Read the following:-

- 1) G.O.Ms.No.53, Higher Education (EC) Dept., Dt.10.5.2006.
- 2) G.O.Ms.No.62, Higher Education (EC) Dept., Dt.26.5.2006.
- 3) G.O.Ms.No.124, Higher Education (EC.2) Dept., Dt.19.8.2006.
- 4) G.O.Ms.No.191, Higher Education (EC) Dept., Dt.6.10.2007
- 5) G.O.Ms.No.68, Higher Education (EC) Dept., Dt.10.7.2008.
- 6) G.O.Ms.No.110, Higher Education (EC) Dept., Dt.14.7.2008.
- 7) G.O.Ms.No.140, Higher Education (EC) Dept., Dt.31.7.2008.
- 8) G.O.Ms.No.175, Higher Education (EC) Dept., Dt.19.7.2008.
- 9) G.O.Ms.No.6, Higher Education (EC) Dept., Dt.27.1.2009.
- 10) G.O.Ms.No.59, Higher Education (EC) Dept., Dt.13.7.2009.
- 11) G.O.Ms.No.152, Higher Education (EC) Dept., Dt.5.12.2009.
- 12) AICTE revised approval Process Hand Book 2011-12 and notification dt.4.7.2011.

ORDER:

In the G.O. 1st read above Government have issued rules for Admission of students in Professional courses in Unaided Non-Minority Institutions. The said rules were subsequently amended through the G.Os 2nd to 11th read above. The All India Council for Technical Education has notified a new Regulation in vide reference 12th read above for prescribing 45% qualifying marks for entry into under graduate professional courses (40% in case of Reserved Categories) in the aggregate or group subject. In view of the above, Government have decided to issue a fresh set of Comprehensive rules for Admission of students in Professional courses in Unaided Non-Minority Institutions.

2. The following notification will be published in an Extra Ordinary Issue of Andhra Pradesh Gazette, dt.28.07.2011.

NOTIFICATION

In exercise of the powers conferred by sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and prohibition of Capitation Fee) Act, 1983, (Andhra Pradesh Act 5/1983) and in supersession of the Andhra Pradesh Unaided Non-Minority Professional Institutions (Regulation of Admissions into under-graduate Professional Courses through Common Entrance Test) Rules, 2006 issued in G.O.Ms.No.53, Higher Education (EC) Dept, dated 10.5.2006 as subsequently amended, the Governor of Andhra Pradesh hereby makes the following Rules for admission into under Graduate Professional Courses in Engineering (including Technology) and Pharmacy in Un-aided Non-Minority Professional Institutions in the State.

1. Short Title, applicability and commencement:

- (i) These rules may be called the Andhra Pradesh Unaided Non-Minority Professional institutions (Regulation of Admissions into Under-graduate and Pharm.D (Doctor of Pharmacy) Professional Courses through Common Entrance Test) Rules, 2011.
- (ii) They shall apply to all Unaided non-Minority Professional Institutions imparting Under-Graduate professional Courses in Engineering (Including Technology) and Pharmacy in the State.
- (iii) They shall come into force from the academic year 2011-12.

2. Definitions:

- (i) In these rules, unless the context to otherwise requires:
 - (a) "Act" means the Andhra Pradesh Educational Institutions (Regulation of Admissions and Prohibition of Capitation Fee) Act, 1983 (Andhra Pradesh Act No. 5 of 1983).
 - (b) "Admissions and Fee Regulatory Committee" (AFRC) means Committee established and constituted by the Government for regulating the admissions and for fixing the fees to be charged from candidates seeking admission into Unaided Minority and Non-Minority Professional institutions.
 - (c) "Common Entrance Test" means EAMCET/EAMCET-AC, the examination conducted for assigning rank or merit to candidates, which will be the basis for admission of the candidates into the first year of concerned Under-Graduate Courses in various Unaided Non-Minority Professional Institutions in the State.
 - (d) "Competent Authority" means the Chairman, Andhra Pradesh State Council of Higher Education.
 - (e) "Convener of EAMCET Admissions" means the Commissioner / Director of Technical Education or any other officer of such rank, nominated by the Competent Authority for selection and allotment of candidates for admission.
 - (f) "Convener of EAMCET-AC Admissions" means a person nominated by the Association(s) of Unaided Professional Colleges for selection and allotment of qualified candidates for admission.
 - (g) "Eligible Candidate" means the candidate who is eligible for admission as per the eligibility criteria prescribed under Rule 4 hereunder.
 - (h) "Government" means State Government of Andhra Pradesh.

- (i) "Inspecting Authority" means the Authority/Officer appointed by the Admission and Fee Regulatory Committee for inspecting and scrutinising the Admissions of the candidates made in the Un-aided Professional Institutions.
 - (j) "Institutions" means, unless otherwise specifically mentioned, all the Unaided Non-Minority Professional Institutions imparting Professional Courses in Engineering (Including Technology) and Pharmacy.
 - (k) Non-Resident Indian (NRI) / NRI Sponsored Candidates means a candidate, born to a parent of Indian Origin residing outside the country or 'ward' of a person of Indian Origin residing outside the country, and who has passed the qualifying examination or its equivalent.
 - (l) "Qualified Candidate" means the candidate who passed the qualifying examination obtained not less than 45% marks (40% in case of Reserved Categories) in the prescribed group subjects and has appeared for the Common Entrance Test EAMCET/EAMCET-AC, as the case may be, for admission into the related Professional Course and has been assigned ranking in the Common Merit List.
 - (m) "Qualifying Examination" means the examination of the minimum qualification passing of which with not less than 45% marks (40% in case of reserved categories) in the prescribed group subjects entitles one to seek admission into the relevant Professional Course as prescribed in the Andhra Pradesh Common Entrance Test for entry into Engineering; Pharmacy, Agricultural, Medical and Dental courses Rules, 2011.
 - (n) "Single Window System" means a system by which available seats in all the Institutions are offered through Common Centralized Counseling or Decentralized Online Counseling to qualified candidates in order of merit in the Common Entrance Test.
 - (o) "State **Council**" means the Andhra Pradesh State Council of Higher Education, constituted under the Andhra Pradesh Council of Higher Education Act, 1988 (Andhra Pradesh Act No.16 of 1988).
 - (p) "University" means the University concerned in which the particular courses are offered
- (ii) Words and expressions used but not defined in these rules shall have the same meaning assigned to them in the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983. (Andhra Pradesh Act 5 of 1983) and the

Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental Courses Rules, 2011.

3. Allotment of Seats:

- (i) The seats to be allotted in each Un-aided Non-Minority Professional Institution under these Rules for Admission of Candidates shall be classified as:
- (1) Category A seats
 - (2) Category B seats
- (ii) The Category A seats shall be 70% of sanctioned intake of seats in each course in Un-Aided Non-Minority Professional Institution, which shall be filled with eligible candidates on the basis of Rank obtained at EAMCET / EAMCET-AC, as the case may be, following the provision of sub rule (i) of Rule 6 and Rule of Reservation laid down in Rule 7.
- (iii) The Category B Seats shall be 30% of the total intake of seats in each course in respect of Un-Aided Non-Minority Professional Institutions, which shall be open for admission to all the eligible candidates on merit basis including candidates belonging to other States and Union Territories of India and NRIs / NRI Sponsored Candidates, following the provisions of sub rule (ii) of Rule 6.
- (iv) The sanctioned intake of seats in Under graduate Pharmacy and Pharm.D (Doctor of Pharmacy) Courses in each institution shall be filled up by eligible candidates from M.P.C. and Bi.P.C streams in the ratio of 50:50. Vacant seats, if any, in either stream shall be filled up by eligible candidates in the other stream.

4. Eligibility Criteria for Admission:

The eligibility criteria for Admission into Engineering (including Technology), Pharmacy, and Professional Courses shall be as mentioned below:

- (i) The Candidate shall be an Indian National or Persons of Indian Origin (PIO) / Overseas Citizen of India (OCI) Card Holders.
- (ii) In respect of Under-graduate Professional Courses in Engineering (Including Technology) and Pharmacy the candidate should have completed 16 years of age as on 31st December of the Academic year for which the admissions are being conducted. In respect of Pharm.D (Doctor of Pharmacy) course the candidate should have completed 17 years of age as on 31st December of the Academic year for which the admissions are being conducted.
- (iii) The candidate should have passed the qualifying examination (10+2) conducted by the Board of Intermediate Education, Andhra Pradesh or equivalent with Physics & Mathematics as compulsory subjects along with one of the Chemistry/Bo-Technology/Biology subjects and obtained at-least 45% marks in the above subjects taken together/ (40% in case of candidates belonging to reserved categories) and should have secured a rank at the Common Entrance Test and shall satisfy other conditions laid down in these Rules:

- (iv) The Candidate should satisfy Local/Non-Local status requirement for admission into Category A seats as laid down in the Andhra Pradesh Educational Institutions (Regulation of Admissions) order, 1974 as subsequently amended.
- (v) Candidates should satisfy the eligibility requirements for Admission into Category 'B' seats as laid down in Rule 6(ii) of these rules.

5. Method of Admission:

The general guidelines for the admission of candidates into Private Un-Aided Non-Minority Professional Institutions offering Engineering (Including Technology) and Pharmacy shall be as follows,-

- (i) (1) All the Category A seats shall be filled by the respective Institutions by admitting candidates as allotted by the Convener of EAMCET admissions/ Convener of EAMCET - AC admissions, as the case may be, depending upon the option exercised by the institution as per sub-clause (4) of clause (a) in Rule 11 of the Andhra Pradesh Common Entrance Test for entry in to Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules, 2011.
- (2) All the Category B seats shall be filled by the respective Institutions on merit basis following the procedure laid down in the Rule 6(ii) hereunder.
- (ii) The Convener of EAMCET admissions / Convener of EAMCET – AC admissions shall allot candidates to Institutions in terms of Rules laid down herein.
- (iii) The admissions shall be made in the order of merit on the basis of the ranking assigned in EAMCET/EAMCET – AC as per Rule 5 / sub Rule (7) of Rule 12 of the Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules, 2011.
- (iv) The total number of candidates to be admitted in each course in the Un-aided Non-Minority Professional Institutions shall not exceed the limits prescribed by the All India Council for Technical Education / Pharmacy Council of India, as the case may be from time to time
- (v) The admission of the candidates made in various Un-aided Non-Minority Professional Institutions shall be subject to scrutiny by the inspecting Authority appointed for the purpose.

6. PROCEDURE OF ADMISSIONS:

(i) TO FILL UP CATEGORY- A SEATS (70%):

For the purpose of admissions for Category- A seats, all the Institutions shall be divided into two groups viz., EAMCET and EAMCET –AC streams basing on the option exercised by them as per sub-clause (4) of clause (a) in Rule 11 of Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules -2011. There shall be separate counseling for admission in respect of each stream through Single Window System. The procedure to be followed for such admissions shall be as given below:

(a) ADMISSIONS INTO NON-MINORITY INSTITUTIONS UNDER EAMCET STREAM:

- (1) A Committee for EAMCET Admission into Institutions, which opted for EAMCET, shall be constituted by the Competent Authority with the following members to advise the Convener of EAMCET Admissions, in the matters relating to admissions and on such other matters necessary for the smooth conduct of admissions.
- (a) Chairman of Andhra Pradesh State Council of Higher Education.(Chairman)
 - (b) Secretary of Andhra Pradesh State Council of Higher Education.
 - (c) Convener of EAMCET Admissions (Member Convener).
 - (d) Professor in-charge of Computer / online systems in admission camp.
 - (e) Two representatives of the Universities as nominated by the State Council.
 - (f) Three representatives of the Private Unaided Technical Institutions as nominated by the State Council.
 - (g) Commissioner / Director of Technical Education or his nominee.
 - (h) One special invitee nominated by the State Council.
- (2) The Convener of EAMCET Admissions shall collect Rank lists of the qualified candidates of EAMCET prepared by the Convener of EAMCET, as per sub-rule (3) of Rule 5 of the Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules, 2011.
- (3) The Convener of EAMCET Admissions shall prepare and notify the schedule for admissions, venue, timings and all other necessary details in at least three leading newspapers one each in Telugu, Urdu and English, at least 8-10 days before the commencement of counselling. The decision of the Committee for EAMCET Admissions shall be final in issuing notification and the schedule and procedure of counselling.
- (4) The Convener of EAMCET Admissions shall adopt computerised Single Window system of Counselling either by following centralized or decentralized Online Counselling at various centres for the convenience of the Candidates and shall prepare the seat matrix of Unaided Non-Minority Professional Institutions. He shall make all the necessary arrangements for manpower, admission venue, drawing scrutiny officers from other departments, fee collection, networking, facilities for Online Counselling at various centres, mobilization of software etc., in consultation with the Admission Committee.
- (5) No Management of Unaided Non-Minority Professional Institution shall issue notification and call for applications for admission separately or individually except as provided in Rule 6 (i) (a) (11) and Rule 6(i) (b) (11) of these rules.
- (6) Candidates shall be called for counselling and provisional allotment of Courses / Institutions shall be made in the order of merit assigned at EAMCET by following the Rules of Reservation issued by the Government from time to time and G.O.Ms.No.550, Higher

Education Department dated: 30.7.2001 and such allotment is only provisional.

- (7) The selection of candidates and allotment of Courses / Institutions in respect of Unaided Non-Minority Professional Institutions, shall be solely on the basis of merit as adjudged by the rank obtained in EAMCET subject to the condition that the candidate should have passed the qualifying examination. However, mere appearance at the Entrance Test and obtaining rank in the merit list does not entitle a candidate to be considered for admission automatically into any Course / Institution unless he / she also satisfies the rules and regulations of admission prescribed by the concerned University / Government including marks to be obtained in the qualifying examination.
- (8) Once a candidate secures admission to a particular College / Institution based on his / her option, no more claim for admission into other Colleges, to any other kind of seat or any other course, be entertained during that phase of admissions.
- (9) The candidates admitted into Unaided Non-Minority Professional Institutions shall pay at the time of admission the fees payable per student per annum as prescribed by the AFRC.
- (10) The Convener, EAMCET Admissions shall handover the vacant seats, if any to the Institutions concerned after conducting the counselling till the last rank of EAMCET.
- (11) The institution shall fill, on merit basis, such vacant seats handed over by the Convenor of Admissions duly conducting internal sliding reservation category wise in each course before issuing the notification for admissions by the individual Institutions. The vacant seats so arising in each course after the exercise of internal sliding shall be filled reservation category wise with eligible candidates through Institutional spot admission ensuring merit and transparency still vacant seats, if any, may be filled with the candidates securing not less than 50 % marks in the prescribed group subjects in the Qualifying examination.
- (12) The Institution shall obtain ratification from the Competent Authority for all the admissions including internal sliding conducted by the Institution.
- (13) The Convener of EAMCET Admissions shall prepare the final list of candidates, admitted course-wise and Institution-wise and send the same to Concerned Universities, Institutions and AFRC.
- (14) The Competent Authority in consultation with the Committee of EAMCET Admission shall fix the cut off dates for each stage of admissions.
- (15) All the candidates called for Counselling shall produce the specified original documents along with duly attested photocopies and the Convenor of EAMCET Admissions shall be entitled to cause verification of all the documents produced by the candidates.

(b) ADMISSIONS INTO NON-MINORITY INSTITUTIONS UNDER EAMCET –AC STREAM:

- (1) Committee for EAMCET-AC Admissions into institutions, which opted for EAMCET- AC shall be constituted by the Association of Un-aided Professional Colleges to advise the Convener of EAMCET-AC Admissions in the matters relating to admission and on such other matters necessary for the smooth conduct of Admissions.
- (2) The Convener of EAMCET -AC Admissions shall collect Rank lists of the qualified candidates of EAMCET –AC prepared by the Convener of EAMCET-AC as per Clause (c) of sub- rule (7) of Rule 12 of the Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules, 2011 and EAMCET prepared by the Convener of EAMCET as per sub rule (3) of Rule 5 of the Andhra Pradesh Common Entrance Test for entry into Engineering, Pharmacy, Agriculture, Medical and Dental courses Rules, 2011.
- (3) The Convener of EAMCET-AC Admissions shall prepare and notify the schedule for admissions, venue, timings and all other necessary details in at least three leading newspapers one each in Telugu, Urdu and English, at least 8-10 days before the commencement of counselling. The decision of the Committee for EAMCET-AC Admissions shall be final in issuing notification, schedule and procedure of counselling.
- (4) The Convener of EAMCET-AC Admissions shall adopt computerised Single Window system of Counselling either by following centralized or decentralized Online Counselling at various centers for the convenience of the Candidates and shall prepare the seat matrix of Unaided Non-Minority Professional Institutions. He shall make all the necessary arrangements for manpower, admission venue, drawing scrutiny officers from other departments, fee collection, networking, facilities for Online Counselling at various centres, mobilization of software etc., in consultation with the Admission Committee.
- (5) No Management of Unaided Non-Minority Professional Institution shall issue notification and call for applications for admission separately or individually except as provided in Rule 6(i) (a) (11) and Rule 6 (i) (b) (11) of these rules.
- (6) Candidates shall be called for counselling and provisional allotment of Courses / Institutions shall be made firstly in the order of merit assigned at EAMCET-AC and, if vacant seats still remain, then in the order of merit assigned at EAMCET by following the Rules of Reservation issued by the Government from time to time and G.O.Ms.No.550, Higher Education Department dated: 30.7.2001 and such allotment is only provisional.
- (7) The selection of candidates and allotment of Courses / Institutions in respect of Unaided Non-Minority Professional Institutions, shall be solely on the basis of merit as adjudged firstly by the rank obtained in EAMCET-AC and, if vacant seats still remain, then by rank obtained in EAMCET subject to the condition that the candidate should have passed the qualifying examination. However, mere appearance at the Entrance Test and obtaining rank in the merit list does not entitle a candidate to be considered for admission automatically into any Course / Institution unless he / she also satisfies the rules and regulations of admission prescribed by the concerned University /

Government including marks to be obtained in the qualifying examination.

- (8) Once a candidate secures admission to a particular College / Institution based on his / her option, no more claim for admission into other Colleges, to any other kind of seat or any other course, be entertained during that phase of admissions.
 - (9) The candidates admitted into Unaided Non-Minority Professional Institutions shall pay at the time of admission the fees payable per student per annum as prescribed by the AFRC.
 - (10) The Convener, EAMCET-AC Admissions shall handover the vacant seats, if any to the Institutions concerned after conducting the counselling till the last rank of EAMCET-AC and EAMCET as provided under clauses (6) and (7) above.
 - (11) The Institution shall fill, on merit basis, such vacant seats handed over by the Convenor of Admissions duly conducting internal sliding reservation category wise in each course before issuing the notification for admissions by the individual Institutions. The vacant seats so arising in each course after the exercise of internal sliding, shall be filled reservation category wise with eligible candidates through Institutional spot admission duly ensuring merit and transparency still vacant seats, if any, be filled with the candidates securing not less than 50 % marks in the prescribed group subjects in the qualifying examination.
 - (12) The Institution shall obtain ratification from the Competent Authority for all the admissions including internal sliding conducted by the Institution.
 - (13) Convener of EAMCET-AC Admissions shall prepare the final list of candidates, admitted course-wise and Institution-wise and send the same to concerned Universities, Institutions and AFRC.
 - (14) The Competent Authority in consultation with the Committee of EAMCET- AC Admission shall fix the cut off dates for each stage of admissions.
 - (15) All the candidates called for Counselling shall produce the specified original documents along with duly attested photocopies and the Convenor of EAMCET-AC Admissions shall be entitled to cause verification of all the documents produced by the candidates.
- (ii) **TO FILL UP CATEGORY- B SEATS (30%):**
- 1. The Institution shall conduct Admissions to the seats available as specified below:**
 - (i) The Institution shall not issue notification and receive the applications until the EAMCET admission notification is issued by the concerned.
 - (ii) The NRI seats (not exceeding 15% of the sanctioned intake in each course) shall be filled on merit basis with NRI / NRI sponsored candidates who have passed the qualifying examination with not less than 50% of in the prescribed group subjects or Cumulative Grade Point Average (CGPA) equivalent to 5 on a scale of 10.

- (iii) The remaining seats shall be filled on merit basis with candidates belonging to other States and Union territories who have secured rank at AIEEE and secured not less than 50 % of aggregate marks in the qualifying examination.
- (iv) The seats remaining unfilled from (ii) and (iii) above shall be filled with eligible candidates on merit basis following eligibility criteria laid in rule (4) of these rules.
- (v) There after, if any seats still remain unfilled such seats may be filled on merit basis with candidates securing not less than 50% in the prescribed group subjects taken together in the qualification examination.

2. The Institution shall follow the procedure mentioned below to conduct the Admissions:

- (i) The Managements of the Colleges shall notify the details of courses offered with intakes, schedule of admissions, cost of Application form and Minority/ Non Minority, statues in popular news dailies one in each language i.e. English, Telugu & Urdu which is to be displayed on the College website and also on the college notice board.
- (ii) The blank application forms for admission in 'B' category seats shall be made available to the candidates from the college counter on payment of the prescribed fee. The facility for downloading the form of application from the college website should also be provided. In this case, the cost of procuring the application form shall be paid to the college by the applicant at the time of submission of the duly filled in application forms.
- (iii) The college authorities shall enter the day wise sale of applications with the name of the candidates and address in a Register opened for the purpose and it shall be made available for inspection for any Officer authorized by the Competent Authority.
- (iv) The college shall issue an acknowledgment / receipt for the applications received.
- (v) The Management shall prepare the merit list of eligible applicants for each course and announce the same by displaying both on the website and notice board of the college for at least two weeks from the date of announcement.
- (vi) The Institution shall obtain ratification from the Competent Authority for all the admissions conducted under Category B seats by the institution.
- (vii) The Management shall collect the Tuition fees as prescribed by AFRC for category 'B' seats.

- (viii) The Managements shall comply with the above instructions and failure in implementing the same shall entail to withdrawal of Government permission, University affiliation and AICTE approval.
3. After scrutiny, the Competent Authority shall send the ratified list of admitted candidates from outside the State, NRIs and others admitted by the Institution to the University concerned and also to the respective Institutions.

7. **Rules of Reservation for admission:**

- (i) Category A seats shall be reserved, to the following categories in Admissions to Professional courses:

(1) **Region-wise reservation of seats:**

Admission to 85% of the seats in each course shall be reserved for the local candidates and the remaining 15% of the seats shall be un-reserved seats as specified in the Andhra Pradesh Educational Institutions (Regulations and Admissions) Order, 1974 as subsequently amended.

EXPLANATION: For purpose of these rules,-

(i) **Local Areas means:**

- (1) The part of the State comprising the districts of Adilabad, Hyderabad (including Twin Cities) Ranga Reddy, Karimnagar, Khammam, Medak, Mahaboobnagar, Nalgonda, Nizamabad and Warangal shall be regarded as the Local Area for the purpose of admission to the Osmania University, the Kakatiya University and the Telangana University and to any other educational institutions (other than a state-wide university or state-wide educational institution) which is subject to the control of the State Government and is situated in that part.
- (2) The part of the State comprising the districts of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari, West Godavari, Krishna, Guntur and Prakasam shall be regarded as the Local Area for the purpose of admission to the Andhra University, the Acharya Nagarjuna University and Adikavi Nannaya University and to any other educational institutions (other than a state-wide university or state-wide educational institution) which is subject to the control of the State Government and is situated in that part.
- (3) The part of the State comprising the districts of Anantapur, Kurnool, Chittoor, Cuddapah and Nellore shall be regarded as the Local Area for the purpose of admission to the Sri Venkateswara University, the Sri Krishnadevaraya University and the Yogi Vemana University and to any other educational institutions (other than a state-wide university or state-wide educational institution) which is subject to the control of the State Government and is situated in that part.

(ii) The Local Candidate means:

- (A) A candidate for admission shall be regarded as a local candidate in relation to a local area.-

- (a) If he/she has studied in educational Institution or educational Institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he/she appeared or as the case may be, first appeared in the relevant qualifying examination, or
 - (b) Where, during the whole or any part of the four consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in any educational Institutions, if he/she has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the relevant qualifying examination in which he/she appeared or, as the case may be, first appeared.
- (B) A candidate for admission to the Course who is not regarded as local candidate under clause (A) in relation to any local area shall,-
- (a) If he has studied in educational Institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination be regarded as a local candidate in relation to,-
 - (i) Such local area where he/she has studied for the maximum period out of said period of seven years, or
 - (ii) Where the period of his/her study in two or more local areas are equal, such local area, where he/she has studied last in such equal period, or
 - (b) If, during the whole or any part of seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in the educational Institutions in any local area, but has resided in the State during the whole of the said period of seven years, be regarded as a local candidate in relation to,-
 - (i) Such local area where he/she has resided for the maximum period out of the said period of seven years, or
 - (ii) Where the periods of his/her residence in two or more local areas are equal, such local area where he/she has resided last in such equal periods.
- (C) The following categories of candidates are eligible to apply for admission to the remaining 15% of un-reserved seats:
- (a) All the candidates eligible to be declared as local candidates.
 - (b) Candidates who have resided in the State for a total period of 10 years excluding periods of study outside the State or either of whose parents have resided in the State for a total period of ten years excluding period of employment outside the State.

- (c) Candidates who are children of parents who are in the employment of this State or Central Government, Public Sector Corporations, Local Bodies, Universities and other similar quasi-public Institutions, within the State.
- (d) Candidates who are spouses of those in the employment of the State or Central Government, Public Sector Corporations, Local Bodies, Universities and Educational Institutions recognized by the Government or University OR other competent authority and similar quasi Government Institutions within the State.
- (D) If a local candidate in respect of a local area is not available to fill any seat reserved or allocated in favour of a local candidate in respect of that local area, such seat shall be filled if it had not been reserved.

NOTE: For details, see the Andhra Pradesh Educational Institutions (Regulations of Admission) Order, 1974 as subsequently amended.

(2) Reservation for SC/ST/BC Communities:

- (a) 15% of seats in each course in each institution shall be reserved for the candidates belonging to Scheduled Castes .
- (b) 6% of seats in each course in each Institution shall be reserved for the candidates belonging to the scheduled Tribes.
- The seats reserved for scheduled Tribes shall be made available to scheduled Castes and Vice-versa, if qualified candidates are not available in the category.
- If qualified candidate belonging to Scheduled Castes and Scheduled Tribes communities are not available the left over seats reserved for them shall be treated as unreserved seats and shall be filled by the candidates of General pool.
- (c) 29% of seats in each course in each institution shall be reserved for the candidates belonging to the Backward classes and shall be allocated among the four groups of Backward classes as shown below:

GROUP 'A'	-	7%
GROUP 'B'	-	10%
GROUP 'C'	-	1%
GROUP 'D'	-	7%
⁽²⁾ GROUP 'E'	-	4%

If qualified candidates belonging to Backward class of a particular group are not available, the leftover seats can be adjusted for the candidates of next group. If qualified candidates belonging to Backward classes are not available to fill up the 29% seats reserved for them, the left over seats shall be treated as unreserved and shall be filled up with candidates of General pool.

No candidate seeking reservation for admission under the above categories be allowed to participate, in the Counseling for admission unless he produces the Integrated Community Certificate prescribed by the Govt., and issued by the Revenue Authorities in the Government (vide G.O. Ms. No: 58, Social Welfare (J), Dept., Dated: 12-5-1997).

- (3) The following reservations in admissions to Professional courses may be provided in respect of Category- A seats in accordance with consensus arrived at between Private Unaided Professional Institutions and the Government:

(1) Reservation of seats for women:

A reservation of 33 1/3% of seats in favour of women candidates in each course and in each category (OC / SC/ST/BC/PH/CAP/NCC/SP).

The above reservation shall not be applicable if women candidates selected on merit in each category exceeds 33 1/3%.

If sufficient number of women candidates are not available in the respective categories those seats shall be diverted to the men candidates of the same category.

(2) Reservation for Special Categories:

- (a) There shall be horizontal reservation in each category (OC, BC, SC, ST) in each course of an institution, for the following categories, to the extent indicated against them.

- (i) Physically Handicapped (PH) – 3% (three percent) for Visually handicapped / hearing impaired / Orthopaedically Handicapped (each 1%) (one percent).
- (ii) Children of Armed Forces Personnel (CAP) – 2% (two percent) for the children of armed persons i.e. Ex-Servicemen, Defence Personnel including the Children of Border Security Force and the Central Reserve Police Force residing in Andhra Pradesh for a minimum period of 5 years.
- (iii) National Cadet Corps (NCC) – 1% (one percent) for National Cadet corps candidates.
- (iv) Sports and Games (SP) – ½ % (half percent) for sports and Games candidates.

If qualified candidates belonging to NCC / SP / CAP categories are not available, the left over seats shall be filled up with candidates of General Pool of the same local area.

Note: The candidates claiming reservation benefits under the above categories shall produce original documents in support of their claim to the Convenor or Admissions and he shall be entitled to refer the original documents of the candidates claiming reservation for scrutiny and confirmation, to the following authorities.

- | | | |
|-------------------------------|---|---------------------------------------------------------------------------------------|
| (i) NCC | - | To the Director of NCC, Andhra Pradesh |
| (ii) Sports & Games | - | To the Vice-Chairman and Managing Director, Sports Authority of Andhra Pradesh (SAAP) |
| (iii) Physically handicapped- | | To the Director, Medical & Health Services, AP |
| (iv) CAP | - | To the Director, Sainik Welfare Board, A.P. |

- (b) The priorities in respect of the special categories mentioned above shall be in accordance with Government Orders issued from time to time.

8. Penalty for violation of rules:

In case of violation of Admission rules laid herein by any private institution thereby resulting in making irregular admissions such institutions shall be liable for penalty or cancellation of affiliation of the University concerned or for referring the matter to apex bodies like All India Council of Technical Education / Pharmacy Council of India / Council of Architecture disqualifying the college from making admission in future.

9. FEE for Engineering (including Technology) /Pharmacy Colleges:

- (i) "The fee payable per student per annum for each discipline in each institution shall be as prescribed by the AFRC .
- (ii) The fee prescribed and collected from NRIs, in excess of the fees prescribed for non-NRI candidates under Category B shall be utilized for benefiting the students from economically weaker sections of the society whose eligibility criteria shall be as notified by the Government. The mechanism for extending such benefit to the students belonging to economically weaker sections shall be as prescribed by the Admission and Fee Regulatory Committee.
- (iii) The Government may notify specific Fee Waiver Scheme(s) with the approval of Admission and Fee Regulatory Committee for benefiting the disadvantaged sections of society.

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

M.G. GOPAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Commissioner, Printing, Stationary and Stores Purchase,
Chanchalguda, Hyderabad (with a request to supply 250 copies
immediately)

The Secretary, Andhra Pradesh State Council of Higher Education,
Hyderabad

The Commissioner, Technical Education, A.P. ,Hyderabad

The Registrars of all Universities in the State.

Copy to:

The PS to Principal Secretary, Health, Medical & Family Welfare
Department.

The PS to Principal Secretary, Agriculture and Cooperation Department

The PS to Principal Secretary, Minority Welfare Department

The Law (A) Department,

P.S. to Spl. Secretary to Hon'ble C.M.

P.S. to Hon'ble Minister for Higher & Technical Education

P.S. to Chief Secretary

P.S. to Principal Secretary, Higher Education

Sf/Sc-2

//Forwarded by Order//

SECTION OFFICER



The Andhra Pradesh Reservation of seats in the Educational Institutions and of appointments or posts in the Public Services under the State to Muslim Community Act, 2005

Act 21 of 2005

Keyword(s):

Muslims, Educational Institutions, Public Service, Reservation

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THE ANDHRA PRADESH GAZETTE PART IV-B EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 42] HYDERABAD, TUESDAY, OCTOBER 25, 2005.

ANDHRA PRADESH ACTS, ORDINANCES AND REGULATIONS Etc.

The following Act of the Andhra Pradesh Legislative Assembly received the assent of the Governor on the 23rd October, 2005 and the said assent is hereby first published on the 25th October, 2005 in the Andhra Pradesh Gazette for general information:-

ACT No. 21 OF 2005.

**AN ACT TO PROVIDE RESERVATION TO MUSLIM
COMMUNITY IN THE MATTERS OF ADMISSION
INTO EDUCATIONAL INSTITUTIONS AND
APPOINTMENTS TO PUBLIC SERVICES IN THE
STATE OF ANDHRA PRADESH AND FOR MATTERS
CONNECTED THEREWITH OR INCIDENTAL
THERE TO.**

[1]

A. 243

Whereas, the Government provided 5% reservation to Muslims in the State in educational institutions and employment in the State vide G.O.Ms.No. 33, Backward Classes Welfare Department dt. 12-7-2004;

And whereas, the above orders were challenged in the Andhra Pradesh High Court;

And whereas, Larger Bench of the Andhra Pradesh High Court in its judgement in W.P. No. 12239/2004 etc. dt. 21-9-2004 held that the above orders are ultra vires *inter alia* on the ground that the State Government is bound to consult the Andhra Pradesh Backward Classes Commission before undertaking any revision of the Backward Classes List and they do not reflect formation of opinion as to adequacy of representation of Muslim Community in the services of the State and directed the Government to reconstitute the Andhra Pradesh Commission for Backward Classes to examine the matter;

And whereas, the Hon'ble High Court of Andhra Pradesh observed that the Muslims as a group are entitled to affirmative action / social reservations within the constitutional dispensation, provided they are identified as a socially and educationally backward class for the purpose of Article 15(4) and Backward Class of citizens for the purpose of Article 16(4) of the Constitution of India and providing social reservation to the Muslim Community or sections or groups amongst them in no manner militate against secularism which is a part of the basic structure of the Constitution;

And whereas, the High Court held that the creamy layer among the Muslim community are not entitled to the benefits of social reservation;

And whereas, the Andhra Pradesh Commission for Backward Classes found that the entire Muslim Community

is socially, educationally and economically backward and therefore steps shall be taken for providing reservation to the members of the Muslim Community for improving their social, educational and economic conditions;

And whereas, the said commission held that Muslims are not adequately represented in State employment;

And whereas, the Commission further recommended that provision be made for providing 5% reservation to Muslim Community in all educational institutions and public services in the State;

And whereas, the existing reservation provided to the Scheduled Castes and Scheduled Tribes and Backward Classes is at 46%;

And whereas, the Supreme Court in Indra Sawney Vs. Union of India in W.P. (C) No. 97/1991 dated 16-11-1992 held that reservation under clause (4) of Article 16 of the Constitution of India shall not exceed 50% of the appointments or posts barring certain extraordinary situations;

And whereas, the Commission also considered that the percentage of population of total Scheduled Castes, Scheduled Tribes and Backward Classes in the State is exceeding 68% of the total population and the muslim population in the State of Andhra Pradesh is 9.2% of total population and further having regard to the fact that the existing Backward Classes have not attained the levels of advancement warranting a revision of existing reservations and felt that in the extra-ordinary situation prevalent in the State providing total reservation of 51% may be considered by the Government;

And whereas, the Backward Classes Commission also recommended that the creamy layer from among the

Muslim Community would however have to be excluded from the benefits of recommended reservation by adopting the criteria laid down by the Government of India;

And whereas, article 46 of the Constitution of India provides that the State shall promote with special care the educational and economic interest of the weaker sections of the people;

And whereas, the Backward Classes population in the State comes to more than 77% of total population and therefore, a further reservation of 5% in favour of Muslim Community in addition to existing 46% of social reservation is considered to be just and reasonable;

And whereas, the State Government accepted the recommendations of the Andhra Pradesh Commission for Backward Classes to provide 5% reservation to the Muslim Community for admission into the seats in educational institutions in the State and employment in the public services in the State of Andhra Pradesh and to exclude the creamy layer from the benefit of reservation;

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Fifty-sixth Year of the Republic of India as follows:-

**Short
title,
extent
and
commen-
cement.**

1. (1) This Act may be called the Andhra Pradesh Reservation of seats in the Educational Institutions and of appointments or posts in the Public Services under the State to Muslim Community Act, 2005.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect from the 20th June, 2005.

2. In this Act unless the context otherwise requires:- **Definitions.**

(a) "Educational Institutions" means a college, a school imparting education upto and inclusive of tenth class or other institution by whatever name called, whether managed by Government, private body, local authority or University and carrying on the activity of imparting education therein, whether technical, professional including medical or otherwise, and includes a Polytechnic, Industrial Training Institute and Teachers' Training Institute.

(b) "Government" means State Government of Andhra Pradesh.

(c) "Muslims" means any person professing the faith of Islam but does not include for the purpose of this Act, persons belonging to Dudekula, Laddaf, Pinjari/Noorbash and Mehator groups who are already included in the list of Backward Classes in the State.

(d) "Notification" means a notification published in the Andhra Pradesh Gazette and the word 'Notified' shall be construed accordingly.

(e) "Public Service" means public service as defined in Andhra Pradesh (Regulation of Appointments to Public Services and Rationalisation of Staff Pattern and Pay Structure) Act, 1994.

**A.P. Act
No. 2 of
1994.**

3. Having regard to the social, educational and economic backwardness, the members of the Muslim Community residing in the State are hereby declared as Backward Classes and be included in the lists of Backward Classes prepared by the Government from time to time.

**Declara-
tion of
Muslims
as
Backward
Classes.**

**Reserva-
tion of
seats for
Muslims
in the
Educa-
tional
Institu-
tions.**

4. Notwithstanding anything in any other law for the time being in force, there shall be reservation of five percent of seats for admission into educational institutions in favour of Muslims residing in the State:

Provided that the members belonging to the creamy layer amongst Muslim Community shall not be entitled to such reservations.

**Reserva-
tions in
appoint-
ment or
posts in
the
public
services.**

5. Notwithstanding anything in any other law for the time being in force, there shall be reservation of five percent in appointments or posts in Public Services under the State in favour of Muslims residing in the State:

Provided that the members belonging to the creamy layer amongst Muslim Community shall not be entitled to such reservations.

Explanation:- For the purpose of this Act the creamy layer 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.

**Power to
make
provision
by
notifica-
tion.**

6. The Government may, by notification make provision for carrying out all or any of the purposes of this Act.

7. If any difficulty arises in giving effect to the provisions of this Act, the Government may make such order not inconsistent with the provisions of the Act as may appear to them to be necessary or expedient for the purpose of removing such difficulty:

**Power to
remove
difficul-
ties.**

Provided that no such orders shall be issued after expiry of two years from the date of commencement of this Act.

8. The 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 is hereby repealed.

**Repeal of
Ordi-
nance 13
of 2005.**

T. MADAN MOHAN REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department.