

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

WEDNESDAY, THE TWENTY FIFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO

WRIT PETITION NO: 26548 OF 2024

Between:

Mohd Izhaar Gulshan, S/o Mohd Ishtiaque Gulshani, Aged about 17 years (Minor), Occupation- Student, R/o.H.no-1 1-4-130, Sri Venkateswara colony, Road no. 01, Saroornagar, Hyderabad, Telangana- 500035. Rep.by his father Mohd Ishtiaque Gulshani, S/o Late M.I. Gulshan

...PETITIONER

AND

1. The State of Telangana, Rep by its Principal Secretary, Higher Education Department Secretariat Buldings, Hyderabad
2. Kaloji Narayana Rao University of Health Sciences, Rep. by its Vice Chancellor, Nizampura Warangal, Telangana State.
3. The National Testing Agency, Through its chairperson First Floor NSICMDBP Building, Okhla Industriel Estate New Delhi-110020

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus or any other Writ, declaring the action of the Respondents in not considering the petitioner representation Dt.04/09/2024 and not consider to choose B and C Category by reopen the online portal/website is being illegal, arbitrary and violative of personal liberty under Article 21 of the Constitution of India and consequently direct the respondents to consider the petitioner representation Dt.04/09/2024 and allow the petitioner to choose 'B' and 'C' Category by reopen the online portal/website

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 direct the respondents to consider the petitioner representation dt. 04/09/2024 and allow the petitioner to choose 'B' and 'C' Category by reopen the online portal/website

Counsel for the Petitioner: Ms. DHANA LAKSHMI TALLAPALEM

**Counsel for the Respondent No.1: SRI K. SHANTHAN RAO,
AGP FOR HIGHER EDUCATION**

Counsel for the Respondent No.2: SRI A. PRABHAKAR RAO, SC

**Counsel for the Respondent No.3: Ms. ANDE VISHALA REP
SRI GADI PRAVEEN KUMAR,
DY. SOLICITOR GENERAL OF INDIA**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.26548 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. T.Dhanalakshmi, learned counsel for the petitioner.

Mr. K.Shanthan Rao, learned Assistant Government Pleader for Higher Education Department appears for respondent No.1.

Mr. A. Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as 'the University') appears for respondent No.2.

Ms Ande Vishala, learned counsel representing Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appears for respondent No.3.

2. With the consent of the parties, the matter is heard finally.

3. In this writ petition, the petitioner *inter alia* has prayed for the following relief:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus or any other Writ, declaring the action of the Respondents in not considering the petitioner representation Dt.04.09.2024 and not considering to choose ‘B’ and ‘C’ Category by reopen the online portal/website is being illegal, arbitrary and violative of personal liberty under Article 21 of the Constitution of India and consequently direct the respondents to consider the petitioner representation Dt.04.09.2024 and allow the petitioner to choose ‘B’ and ‘C’ Category by reopening the online portal/website and pass such other order or orders as this Court may deem fit and proper in the interest of justice and proper under the circumstances of the case.”

4. Learned counsel for the petitioner submitted that inadvertently the petitioner could not register for admission

under management quota 'B' and 'C' category. Therefore, the University is not permitting the petitioner to seek admission under Management Quota for 'B' and 'C' category. He further submitted that the petitioner be granted liberty to submit a representation to the University and the University be directed to decide the said representation in a time bound manner.

5. Learned Standing Counsel for the University submitted that the last date of registration was 23.08.2024 and thereafter, merit list has been prepared, which shall be published at the time of indicating the web options. However, it is fairly submitted by him that in case the petitioner submits a representation, the same shall be dealt with by the University in accordance with law.

6. In view of the aforesaid submission and in the peculiar facts of the case, the Writ Petition is disposed of with liberty to the petitioner to submit a representation before the University with regard to his grievance. Needless to state that in case such

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a representation is made, the University shall decide the same within a period of two (2) days thereafter. It is made clear that this Court has not expressed any opinion on the merits of the matter.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-MOHD. ISMAIL
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department Secretariat Buildings, T.S., Hyderabad
2. The Vice Chancellor, Kaloji Narayana Rao University of Health Sciences, Nizampura Warangal, Telangana State.
3. The National Testing Agency, Through its chairperson First Floor NSICMDBP Building, Okhla Industrial Estate New Delhi-110020
4. One CC to Ms. DHANA LAKSHMI TALLAPALEM, Advocate [OPUC]
5. One CC to SRI. A. PRABHAKAR RAO, SC [OPUC]
6. Two CCs to GP FOR HIGHER EDUCATION, High Court for the State of Telangana at Hyderabad [OUT]
7. One CC to SRI. GADI PRAVEEN KUMAR, DY. SOLICITOR GENERAL OF INDIA [OPUC]
8. Two CD Copies

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BS



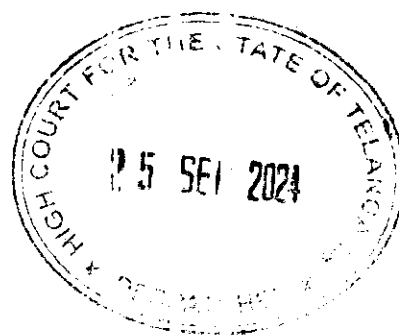
HIGH COURT

CC TODAY

DATED:25/09/2024

ORDER

WP.No.26548 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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~~_____~~
~~_____~~
10/25/8/2024