

[3418]

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

FRIDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION 27954 2024

Between:

Haniya Omer, D/o Mohammed Omer Ahmed Aged about 19 years, Occ.
Student R/o. 18-8-450/B/28, Edi Bazar, Raza Nagar, VTC. Hyderabad-023.

...PETITIONER

AND

1. State of Telangana, Rep by its Principal Secretary, Department of Health and Medical and Family Welfare, Secretariat, Hyderabad.
2. KNR University Health Sciences, Warangal, Rep by its Registrar.

...RESPONDENTS

Petition under Section 226 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue any appropriate writ, order or direction, one more particularly in the nature of writ of Mandamus, declaring the action of the Respondents, more particularly Respondent No.2, in not considering the petitioner representation dated 02-10-2024 for counseling and admission into MBBS/BDS Course under NRI(C) Category for the academic year 2024-25 as illegal, arbitrary, unconstitutional and consequently direct the Respondents to consider the petitioner representation to include the petitioner name for or next round of counseling/stay vacancies for admission into the MBBS/BDS Course NRI (C) Category for the academic year 2024-25 in next round of counseling

IA No. 1 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 issue interim directions directing the 2nd Respondent to consider the petitioner representation dated 02-10-2024 and allow to participate in the counseling under NRI(C) Category for admission into the MBBS/BDS Course for the academic year 2024-25 for stray vacancies or next round of counseling pending disposal of the above writ petition

Counsel for the Petitioner: SRI. SRINIVASA RAO PACHWA

**Counsel for the Respondent No.1: Ms. SWAPNA MADHURI,
AGP FOR MEDICAL HEALTH AND
FAMILY WELFARE**

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

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.27954 of 2024

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

Mr. Srinivasa Rao Pachwa, learned counsel appears for the petitioner.

Ms. Swapna Madhuri, learned Assistant Government Pleader for Medical, Health & Family Welfare 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.

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

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

"For the reasons stated in the accompanying affidavit, It is therefore prayed that this Hon'ble Court may be pleased to issue any appropriate writ,

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order or direction, one more particularly in the nature of writ of Mandamus, declaring the action of the Respondents, more particularly Respondent No.2, in not considering the petitioner representation dated 02.10.2024 for counseling and admission into MBBS/BDS Course under NRI (C) Category for the academic year 2024-25 as illegal, arbitrary, unconstitutional and consequently direct the Respondents to consider the petitioner's representation to include the petitioner name for or next round of counseling/stray vacancies for admission into the MBBS/BDS Course NRI (C) Category for the academic year 2024-25 in next round of counseling and pass such other order or orders as this Court deems fit and proper in the circumstances of the case."

4. Learned counsel for the petitioner submitted that the petitioner had applied for admission into MBBS/BDS course for the academic year 2024-25 under management category. However, inadvertently, the petitioner did not indicate C (NRI) category. He further submitted that the petitioner be granted liberty to submit a representation to the University and the

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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 for registration of applications 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 to the University with regard to her grievance. Needless to state that in case such 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.

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

//TRUE COPY//

SD/-K. AMMAJI
ASSISTANT REGISTRAR
SECTION OFFICER /

To,

1. The Principal Secretary, Department of Health and Medical and Family Welfare, Secretariat, T.S., Hyderabad.
2. The Registrar, KNR University Health Sciences, Warangal.
3. One CC to SRI. SRINIVASA RAO PACHWA Advocate [OPUC]
4. Two CCs to GP FOR MEDICAL HEALTH FAMILY WELFARE, High Court for the State of Telangana at Hyderabad [OUT]
5. One CC to SRI. A. PRABHAKAR RAO, SC [OPUC]
6. Two CD Copies

B M
BS



CC TODAY

HIGH COURT

DATED:04/10/2024



ORDER

WP.No.27954 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

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04/10/24
be