

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

[3418]

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 NO: 24894 OF 2024

Between:

Anamta Farook, W/o. Aneeq Ahmed, Age 32 years, Occ Student, R/o. 1-55/36/Brm, Br Mansion Gautami Enclave, Masjidbanda, Kondapur, Ranga Reddy District, Telangana State.

AND

...PETITIONER

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

...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 or order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent University in notifying the petitioner as Non- Local (NL) candidate in its notification dated 27. 08. 2024 despite petitioner being eligible to be considered as Local candidate as per Rule 3(a) (ii) of Telangana Medical and Dental Colleges Admission, (Admission into MBBS and BDS Courses) Rules 2017 as amended vide G. O. Ms. No. 33 Health, Medical and Family Welfare (C1) Department dated 19. 07. 2024 as being illegal and arbitrary and violation of Article 21 of Constitution of India, consequently direct the respondent No. 2 to treat the petitioner as a Local candidate for all the purposes of Admission into MBBS and BDS Courses for the Academic year 2024-25 under the aegis of KNR University of Health Sciences, Telangana State.

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 respondent No. 2 to treat the petitioner as a Local candidate in the Telangana State for admission into MBBS/BDS under competent Quota 2024-25 in pursuant to NEET (UG) 2024 in accordance with Rule 3(a)(ii) of Telangana Medical and Dental Colleges Admission, (Admission into MBBS and BDS Courses) Rules 2017 as amended vide G. O. Ms. No. 33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024.

IA NO: 2 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 suspend the notification dated 27.08.2024 issued by the respondent No. 2 in respect of petitioner pending disposal of this Writ petition.

IA NO: 3 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 suspend the notification dated 24.09.2024 regarding list of Non-eligible candidates issued by the respondent No.2 in respect of petitioner pending disposal of this writ petition.

**Counsel for the Petitioner: SRI B.MAYUR REDDY, SENIOR COUNSEL FOR
SRI ALLURI DIVAKAR REDDY**

**Counsel for the Respondent No.1: SRI R.NAGARJUNA REDDY, AGP FOR
MEDICAL HEALTH & FAMILY WELFARE**

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

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.24894 of 2024

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

Mr. B.Mayur Reddy, learned Senior Counsel representing Mr. Alluri Divakar Reddy, learned counsel for the petitioner.

Mr. R.Nagarjuna Reddy, learned Assistant Government Pleader for Medical, Health and Family Welfare Department for the respondent No.1.

Mr. G.Ravi, learned counsel representing Mr. A.Prabhakar Rao, learned Standing Counsel for the Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as, "the University") for the respondent No.2.

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

3. In this writ petition, the petitioner, *inter alia*, seeks a direction to the University to treat her as a local candidate for admission to MBBS/BDS course for the academic year 2024-2025 in accordance with Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017 (hereinafter referred to as, "the Rules").

4. Facts giving rise to filing of this writ petition briefly stated are that the petitioner prosecuted her studies up to class X in Dubai between the period from 1998 to 2008. According to the petitioner, she shifted to the State of Telangana in the year 2019 and passed her XI and XII class examination, namely Intermediate examination, from the National Institute of Open Schooling. The petitioner was registered as a candidate from the State of Telangana. According to the petitioner, she is residing in the State of Telangana since the year 2019.

5. The petitioner appeared in the NEET examination which was held on 05.05.2024. The result of the said examination was declared on 26.07.2024. The State of

Telangana had amended the Rules vide G.O.Ms.No.33, Health, Medical and Family Welfare (C1) Department, dated 19.07.2024.

6. Even though the petitioner had produced the certificate issued by the Tahsildar, Serilingampally, dated 14.07.2023, before the University stating that she is residing in the State of Telangana since the year 2019 and has passed the qualifying examination from the State of Telangana, she was not treated as the local candidate. Thereupon, the petitioner filed this writ petition, *inter alia*, on the ground that in view of Rule 3(a)(ii) of the Rules, she is entitled to be treated as a local candidate.

7. Learned Senior Counsel for the petitioner has submitted that as the petitioner has complied with the mandate contained in Rule 3(a)(ii) of the Rules, the action of the University in not treating her as the local candidate is arbitrary, irrational and is in violation of Rule 3(a)(ii) of the Rules.

8. On the other hand, the learned counsel for the University has submitted that the petitioner has not fulfilled the requirement of having studied four consecutive years in the State of Telangana and therefore she cannot be treated as the local candidate.

9. We have considered the rival submissions made on both sides and have perused the record.

10. Before proceeding further, it is apposite to take note of Rule 3(a) of the Rules, which is extracted below for the facility of reference:

“(a) A candidate for admission into undergraduate courses under ‘Competent Authority Quota’ in Telangana should be Indian National/Person of Indian Origin (PIO)/Overseas Citizens of India (OCI) card holder and shall fulfil the following provisions:

i) If the candidate has studied in 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 appeared or as the case may be first appeared in the relevant qualifying examination.

or

ii) Where during the whole or any part of the four consecutive academic years ending with the academic year in which he appeared, or as the case may be first appeared for the relevant qualifying examination, he has

not studied in any educational institutions, if he 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 which he appeared or as the case may be first appeared.

iii) Local area herein means the State of Telangana. Further, in case the candidate has not studied in any educational institution and has resided in the local area as stated at (ii) above, to be eligible for admission into undergraduate courses under 'Competent Authority Quota', the candidate should have appeared for the relevant qualifying examination in the State of Telangana."

11. From the perusal of the aforesaid Rule, it is evident that the aforesaid Rule requires the candidate seeking admission under the quota meant for local candidate has to study in the State of Telangana for a period of four years or reside in the State of Telangana for a period of four years. In addition, the candidate has to pass the qualifying examination from the State of Telangana.

12. In the instant case, the petitioner has passed the qualifying examination i.e., XII class examination, from the State of Telangana and has resided in the State of Telangana from the year 2019 onwards, which is evident

from the certificate dated 14.07.2023 issued by the Tahsildar, Serilingampally. Thus, the petitioner fulfils the mandate contained in Rule 3(a)(ii) of the Rules. The action of the respondents in not treating the petitioner as local candidate is not in consonance with Rule 3(a)(i) of the Rules.

13. Therefore, the University is directed to treat the petitioner as a local candidate for the purposes of admission to MBBS/BDS course for the academic year 2024-2025.

14. Accordingly, the writ petition is disposed of.

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

SD/-K. AMMAJI
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To

1. The Principal Secretary, Medical Health and Family Welfare Department, Secretariat Buildings, Hyderabad, State of Telangana.
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana State.
3. One CC to SRI ALLURI DIVAKAR REDDY, 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 FOR KNRUHS [OPUC]
6. Two CD Copies

PSK.
BS



HIGH COURT

CC TODAY

DATED:04/10/2024

ORDER

WP.No.24894 of 2024



DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

9
_____ / _____
_____ / _____
04/10/2024