

[3418]

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

**MONDAY, THE TWENTY EIGHTH 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: 22534 OF 2023

Between:

Afsha Meraj, D/o MA Baig, age 26 years, Occ. Medical Student, R/o H.No.10-18/4, Gajwel town, Gajwel Mandal, Siddipet District 502278.

...PETITIONER

AND

1. The State of Telangana, Represented by the Principal Secretary, Department of Health, Medical and Family Welfare, Telangana Secretariat, Hyderabad.
2. The Kaloji Narayana Rao University of Health Sciences, Warangal, represented by its Registrar. Nizampura, Warangal, Telangana 506 007.

...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 an appropriate writ, order or directions, more particularly one in the nature of writ of mandamus setting aside the Para 2(b)(i) of prospectus/notification, Dated. 08-08-2023 issued by the 2nd Respondent (Kaloji Narayana Rao University of Health Sciences) for the admission into Post Graduate Medical Degree and Diploma courses under management quota seats allocating 100 percent seats to candidates from all over India are eligible for management quota Sub-Category-1 which is against the object and intent of powers conferred by clauses (1) and (2 (b) (iii) and (c)(ii)) of Article 371-D of Constitution of India, the President made, with respect to the then state of Andhra Pradesh, the Andhra Pradesh Educational Institutions (Regulation of admissions) order, 1974 and is highly illegal, arbitrary and violation to the Section 95 and 97 of A.P.Reorganization Act 2014, apart from violation of Judgment of the Honble Supreme Court of India reported in 2016 (1) ALD 150

SC, AIR 1984 SC 1420 and AIR 1979 SC 193 (constitution bench) and also articles 21 of the constitution of India 1950 and fundamental rights of the petitioner and consequently quash/set aside the Para 2(b)(i) of the prospectus/notification Dated.08-08-2023 issued by the 2nd Respondent, therefore direct the 1st and 2nd respondents to implement the reservation eligibility criteria in the State of Telangana in the matter of admission into NEET PG courses under management quota sub-category-1 for the academic year 2023-24 by reserving 85 Percent of management quota sub category-1 seats to the local candidates and 15 percent to non-local candidates against the total seats available under Management Quota Sub-Category-1 in the colleges of Telangana State

IA NO: 1 OF 2023

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 operation of Para 2 (b) (i) of prospectus/notification, Dated. 08/08/2023 issued by the 2nd Respondent (Kaloji Narayana Rao University of Health Sciences) for the admission into Post Graduate Medical Degree and Diploma courses under management quota seats allocating 100 percent seats to candidates from all over India are eligible for management quota Sub-Category-1, consequently direct the 2nd respondent to provide equitable opportunities and facilities for the people of Telangana in the matter of education in respect of 85 percent of reserved seats for local candidate and 15 percent for non local candidate under the management quota sub-category-1 in the post graduate medical and dental colleges in the state of Telangana

Counsel for the Petitioner: SRI. MIRZA AZHARULLA BAIG

**Counsel for the Respondent No.1: SRI T. RAMESH,
AGP FOR MEDICAL HEALTH AND
FAMILY WELFARE**

Counsel for the Respondent No.2: 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.22534 of 2023

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

None for the petitioner.


Mr. T.Ramesh, learned Assistant Government Pleader for Health, Medical and Family Welfare Department appears for respondent No.1.

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

2. In this writ petition, the petitioner has prayed for the following relief:

"It is therefore prayed that this Court may be pleased to issue an appropriate writ, order or directions, more particularly one in the nature of writ of mandamus setting aside the Para (2)(b)(i) of prospectus/notification dated 08.08.2023 issued by the 2nd Respondent (Kaloji Narayana Rao University

of Health Sciences) for the admission into Post Graduate Medical Degree and Diploma courses under management quota seats allocating 100% seats to candidates from all over India are eligible for management quota Sub-Category-1, which is against the object and intent of powers conferred by clauses (1) and (2)(b)(iii) and (c)(ii) of Article 371-D of Constitution of India, the President made, with respect to the then state of Andhra Pradesh, the Andhra Pradesh Educational Institutions (Regulation of admissions) order, 1974 and is highly illegal, arbitrary and violation to the Sections 95 and 97 of A.P. Reorganization Act, 2014, apart from violation of Judgment of the Hon'ble Supreme Court of India reported in 2016(1) ALD 150 SC, AIR 1984 SC 1420 and AIR 1979 SC 193 (constitution bench) and also Article 21 of the Constitution of India, 1950, and fundamental rights of the petitioner and consequently quash/set aside the Para 2(b)(i) of the prospectus/notification Dated 08.08.2023 issued by the 2nd Respondent,



therefore, direct the 1st and 2nd respondents to implement the reservation eligibility criteria in the State of Telangana in the matter of admission into NEET PG courses under management quota sub-category-1 for the academic year 2023-24 by reserving 85 % of management quota sub-category-1 seats to the local candidates and 15% to non-local candidates against the total seats available under Management Quota Sub-Category-1 in the colleges of Telangana State and to pass such other order or orders as this Court may deem fit and proper in the circumstances of the case.”

3. The petitioner is seeking relief of admission to Post Graduate Medical Degree and Diploma course for the academic year 2023-24.

4. The academic year 2023-24 is over. No interim relief was granted to the petitioner. Therefore, at this point of time, it is not possible to grant any relief to the petitioner.

5. The Writ Petition is dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any,
stand closed.

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**SD/- N. SRIHARI
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

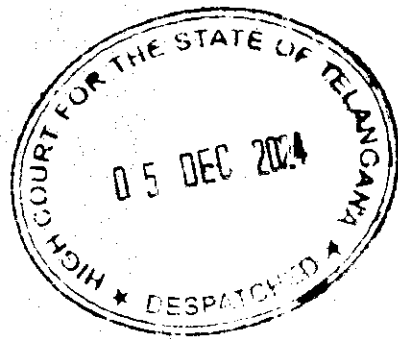
1. One CC to SRI. MIRZA AZHARULLA BAIG, Advocate [OPUC]
2. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court for the State of Telangana at Hyderabad [OUT]
3. One CC to SRI. A. PRABHAKAR RAO, SC [OPUC]
4. Two CD Copies

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K.P.

HIGH COURT

DATED:28/10/2024



ORDER

WP.No.22534 of 2023

DISMISSING THE WRIT PETITION WITHOUT COSTS

7 Copies
[Signature]
13/11/24.