

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

WEDNESDAY, THE THIRTIETH 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: 30237 OF 2024

Between:

Syeda Yumna Sakeena, D/o. Syed Yaseen Shareef, aged about 19 years,
Occ: student, R/o. H.No.10-2-289/13, Flat No. 502, Masab Tank, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical and Health Family Welfare department, Secretariat Buildings, Hyderabad- 500055
2. Kaloji Narayana Rao University of Health Sciences, represented by its registrar, Waranagal

...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 in the nature of writ of Mandamus U/Art 226 of the Constitution of India, declaring Instruction No. S of the Notification dated 29/09/2024, for exercising web options for the first phase of counselling for admission into MBBS/BDS courses under the management quota for the year 2024-25 as illegal, arbitrary, and against the principles of natural justice in terms of Article 14 of the Constitution of India and consequently, direct the respondents to provide an opportunity to give an web-option for seat allotment in any college affiliated with the respondents by the petitioner and alternatively directing the respondents to consider the petitioners eligibility for the courses on par with the other candidates by placing the petitioner role number 4201300283, secured rank of 361632 in the eligibility list in the B and C category for allotment of seat.

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 permit the petitioner to give web options for allotment of seat in any college or directing the respondents to consider the petitioner's eligibility for the courses on par with the other candidates by placing the petitioner role number 4201300283, secured rank of 361632 in the eligibility list in the B and C category for allotment of seat pending disposal of the above writ petition.

Counsel for the Petitioner: SRI T. SHARATH

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

**Counsel for the Respondent No.2: SRI A. PRABHAKAR RAO, SC FOR KALOJI
NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES**

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.30237 of 2024

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

Mr. T.Sharath, learned counsel for the petitioner.

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

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. In this writ petition under Article 226 of the Constitution of India, the petitioner has assailed the validity of instruction No.5 of the notification dated 29.09.2024 which provides that in case a candidate does not exercise web options in the first phase of counselling, the candidate thereafter is not eligible to exercise web

options in subsequent phases of counselling to prevent seat blocking.

3. Facts giving rise to filing of this writ petition briefly stated are that the petitioner appeared in the NEET UG Examination. The University issued a notification dated 17.08.2024 for exercising web options for the first phase of counselling for admission to MBBS/BDS course for the management quota. According to the petitioner, she did not notice the information given to her and did not exercise the web options and the portal subsequently closed on 23.08.2024

4. Being aggrieved, the petitioner submitted a representation on 16.10.2024 which was rejected by an order dated 21.10.2024 in view of the mandate contained in the instruction No.5 of the notification issued by the University dated 29.09.2024. Hence, this writ petition.

5. Learned counsel for the petitioner submits that the instruction No.5 of the notification dated 29.09.2024 provides for intimation by SMS only and in case a

candidate misses the SMS, the candidate may not be able to exercise the web options. Therefore, the aforesaid instruction is arbitrary and violative of Article 14 of the Constitution of India and is liable to be struck down.

6. We have considered the submissions made by the learned counsel for the petitioner and have perused the record.

7. Before proceeding further, it is apposite to take note of the instruction No.5 of the notification dated 29.09.2024, which is extracted below for the facility of reference:

“5) Candidates notified in the Provisional final merit list are informed that if they do not exercise web options in the first phase of counselling, they are not eligible to exercise web options in subsequent phases of counselling to prevent seat blocking.”

8. The petitioner with her eyes wide open appeared in the NEET UG Examination and was aware of the instruction No.5. The first phase of counselling has already been held between 30.09.2024 to 02.10.2024. It is

not in dispute that thereafter the second and third rounds of counselling as well the counselling for filling up the stray vacancies are over. The challenge to the aforesaid instruction is nothing but an afterthought. It is not the case of the petitioner that she was not sent notice for exercising the web option by the University. Even otherwise, the instruction No.5 which provides for information to indicate web options, to be sent through SMS, cannot be treated as arbitrary.

9. The writ petition is misconceived and the same is therefore dismissed.

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

//TRUE COPY//

SD/- V. KAVITHA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri T. Sharath, Advocate [OPUC]
2. One CC to Sri A. Prabhakar Rao, SC for Kaloji Narayana Rao University of Health Sciences [OPUC]
3. Two CCs to GP for Medical Health Family Welfare, High Court for the State of Telangana, at Hyderabad [OUT]
4. Two CD Copies

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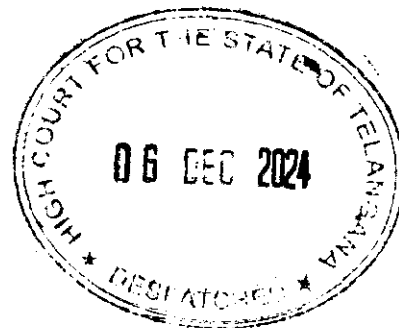
[Handwritten Signature]

HIGH COURT

DATED:30/10/2024

ORDER

WP.No.30237 of 2024



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

7 Copies

[Signature]
29/11/24.