

**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: 26367 OF 2024

Between:

Mythri Rathod, D/o. Dattaram Rathod, Aged about 18 Years, R/o 1-9,
Ashepally, Ram Naik thanda, Jainoor, Adilabad, Telangana.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Medical and Health Services Department, Secretariat, Hyderabad.
2. Kaloji Narayana Rao University of Health, 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 writ, order, or direction more particularly one in the nature of Writ of Mandamus to

- a. Declare G.O.Ms No 114 & Amended G.O.Ms. No. 33 Rule 3(a) as unconstitutional and in violation of Articles 14, 19 and 21 of the Constitution of India and orders of this Hon'ble Court
- b. declare the petitioner as a Local Candidate for all the purposes of Admission into MBBS and BDS Courses for the Academic Year 2024-2025 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 Respondent No.2 to receive and process the application of the petitioner for online Registration for MBBS/BDS Course Under Competent Authority Quota 2024-25 under aegis of Respondent No. 2 without insisting Residence Certificate by considering him as a Local Candidate in the Telangana State as per his Rank shown in the merit list, pending disposal of this Writ Petition.

**Counsel for the Petitioner: SRI CHIKKUDU PRABHAKAR, REP. FOR
SRI ABHILASH SONTAKE**

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

Counsel for the Respondent No.2: 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.26367 of 2024

ORDER: *(Per the Hon'ble Sri Justice J. Sreenivas Rao)*

Heard Mr. Chikkudu Prabhakar, learned counsel representing Mr. Abhilash Sontake, learned counsel for the petitioner, Mr. T. Ramesh, learned Assistant Government Pleader for Health, Medical & Family Welfare Department appearing for respondent No.1 and Mr. A. Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appearing for respondent No.2.

2. In this writ petition, the petitioner has assailed the validity of Rule 3(a) of Telangana Medical and Dental Colleges Admissions (Admissions into Bachelor of Medicine, Bachelor of Surgery and Bachelor of Dental Surgery Courses) Rules, 2017 (for short, 'the 2017 Rules), as amended *vide* G.O.Ms.No.33 dated 19.07.2024 and consequently to declare the petitioner as local candidate for the purpose of admission into MBBS/BDS course for the academic year 2024-25.

3. Facts giving rise to filing of this petition briefly stated are that the petitioner claims to be a permanent resident of State of Telangana and has studied from class I to V in B.P.R. Public School, Echoda of Adilabad, Telangana from the years 2012 to 2017, class VI and VII at Jawahar Navodaya Vidhayala, Sirpur Kaghaznagar, Telangana from the years 2017 to 2020 and class IX and X at Delhi Public School in Panipat of Haryana State from the years 2020 to 2022. Thereafter, the petitioner completed Intermediate/class XI and XII from Sri Chaitanya Junior Mahila Kalasala, Naren Garden, Miyapur, Hyderabad, Telangana from the years 2023 and 2024.

4. The petitioner appeared in the NEET (UG) examination on 05.05.2024 and secured an All India Rank of 98,551. Respondent No.2 University issued a list of local candidates, in which, the name of the petitioner was not included. The petitioner, however, was not treated as local candidate. Thereupon, the petitioner has filed this writ petition seeking a direction to respondent No.2 University to treat her as a local candidate.

5. Learned counsel for the petitioner vehemently contended that the petitioner's father was working in Indian Oil Corporation Limited, which is an undertaking by the Government of India, and by virtue of his job, he has been working in different States, as such the petitioner pursued classes IX and X from 2020 to 2022 in Panipat of Haryana State. The petitioner is a permanent resident of Telangana. In such circumstances, the respondent University ought to have treated the petitioner as a local candidate. In support of his contention, he relied upon the order passed by the Division Bench of this Court in Writ Petition No.28024 of 2024 dated 16.10.2024.

6. On the other hand, learned Standing Counsel for the University submits the petitioner under the 2017 Rules is not eligible as she is not residing in the State of Telangana continuously for a period of four years and she did not come within the purview of the local candidate. Further, the first, second and third phase of counselling are completed and mock counselling is also over. Hence, the petitioner is not entitled any relief as sought in the Writ Petition.

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

8. 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."

9. From a 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 consecutive 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.

10. Admittedly, the petitioner has passed class IX and X from Delhi Public School, Panipat of Haryana State, from the years 2020 to 2022. Thus, the petitioner does not fulfill the requirement of residing in the State of Telangana for a period of four years, which is prescribed in the Rules. It is pertinent to mention here that the Division Bench of this Court has disposed of Writ Petition No.28024 of 2024 dated 16.10.2024 taking into consideration the principle laid down in **Meenakshi Malik v.**

::6::

University of Delhi¹, wherein the father of the petitioner was a member of All India Services, whereas, the father of the petitioner is not belonging to All India Services and the said principle referred in **Meenakshi Malik** (supra) is not applicable to the facts and circumstances of the case. Therefore, the benefit of order dated 16.10.2024 passed in writ petition No.28024 of 2024, which is based on the decision of the Supreme Court in **Meenakshi Malik** (supra), cannot be extended to the petitioner.

11. For the aforementioned reasons, we do not find any merit in the writ petition and the same is, accordingly, dismissed. No costs.

Miscellaneous petitions, pending if any, shall stand closed.

SD/- K. SREE RAMA MURTHY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI ABHILASH SONTAKE, Advocate [OPUC]
2. One CC to SRI A.PRABHAKAR RAO, SC FOR KNRUHS [OPUC]
3. Two CCs to GP FOR HEALTH, MEDICAL & FAM WEL, High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

BSR
LS §

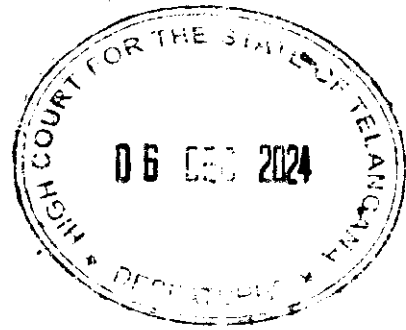
¹ (1989) 3 SCC 112

HIGH COURT

DATED: 28/10/2024

ORDER

WP.No.26367 of 2024



DISMISSING THE WRIT PETITION,
WITHOUT COSTS

3 Copies

Sms
5/12/24