

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

MONDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND

THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 29160 OF 2024

Between:

Golla Vaishnavi, D/o Golla Ramakrishna, aged about 19 years, Occ ; Student, R/o H.NO.3-62, Kondair Village, Erravalli Mandal, Jogulamba Gadwal District, Telangana State.

.....PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Hyderabad.
2. Kaloji Narayana Rao University of Health Sciences, Rep by its Vice Chancellor, Nizampura, Warangal, Telangana State.
3. Kaloji Narayana Rao University of Health Sciences, Rep by its Registrar, Nizampura, Warangal, Telangana State.
4. The National Testing Agency, Through its Chairperson First Floor, NSIC-MDBP Building, Okhla Industrial Estate, New Delhi 110 020.

.....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, (A) declaring Rule 3(a) of Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide GO.MS.No.33 Health, Medical and Family Welfare (C1) Department, dt.19/07/2024 as being manifestly arbitrary, illegal, unconstitutional, with malafide intention to over-rule the judgment of Division Bench of this

Honourable Court in WP.No.21268 of 2023 and batch, dt.29/08/2023 and (B) declare the petitioner as local candidate for all purposes of admission into MBBS/BDS pursuant to NEET (UG) 2024 for MBBS/BDS Admissions under Competent Authority Quota 2024-25 under aegis of Respondent No.2 and 3 (C) Consequently direct the 2nd respondent to treat the petitioner as Local Candidate pursuant to NEET (UG) 2024 for MBBS/BDS Admissions under Competent Authority Quota 2024-25 under aegis of Respondent No.2 and 3.

I.A.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 suspend the Rule 3(a) more particularly Rule 3(a)(iii) of Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide GO.MS.No.33 Health, Medical and Family Welfare (C1) Department, dt.19/07/2024, pending disposal of the above writ petition.

I.A.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 direct the Responcents No.2 and 3 to consider the petitioner's candidature and reserve a seat, under Local category, Osmania University (OU) for 2024-25 admission into MBBS Course under competent authority quota as shown in the first Merit List and include the petitioner as a Local Candidate and permit the petitioner to appear in the counselling pending disposal of the above writ petition.

Counsel for the Petitioner : M/s P.VIJAYA LAKSHMI

Counsel for the Respondent No.1 : SRI A.SUDARSHAN REDDY, ADVOCATE GENERAL, GP FOR MEDICAL HEALTH AND FAMILY WELFARE

Counsel for the Respondent Nos.2 & 3 : SRI A.PRABHAKAR RAO, SC FOR KALOJI NARAYANA RAO UNIVERSITY

Counsel for the Respondent No.4 : SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA

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. 29160 of 2024

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

None for the petitioner.

Mr. A. Sudarshan Reddy, learned Advocate General appears for the State.

Mr. A. Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appears for respondent Nos.2 and 3.

2. In this Writ Petition, the petitioner *inter alia* assails the validity of Rule 3(a) of Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, as amended *vide* G.O.Ms.No.33, Health, Medical & Family Welfare (C1) Department, dated 19.07.2024, and prays for a direction to the respondent University to treat her as a local candidate for the purpose of admission to MBBS and BDS Courses for the academic year 2024-25.

3. Learned counsel for the respondent University submits that the process of admissions to MBBS and BDS Courses has been completed and the course has commenced. It is further submitted that the issue with regard to validity of Telangana

Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, is pending before the Supreme Court in Special Leave Petition (C) Nos.21536-21588 of 2024 in which the Supreme Court by an order dated 20.09.2024 has stayed the common order dated 05.09.2024 passed by a Division Bench of this Court in Writ Petition No.21910 of 2024 and batch.

4. Therefore, in the facts and circumstances of the case, the Writ Petition is disposed of with liberty to the petitioner to take recourse to such remedy as may be available to her in law in the light of the order dated 20.09.2024 passed by the Supreme Court in Special Leave Petition (C) Nos.21536-21588 of 2024.

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

**SD/- K. SREE RAMA MURTHY
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Medical and Health Department, Secretariat Buildings, State of Telangana at Hyderabad.
2. The Vice Chancellor, Kaloji Narayana Rao University of Health Sciences, Nizampura, Warangal, Telangana State.
3. The Registrar, Kaloji Narayana Rao University of Health Sciences, Nizampura, Warangal, Telangana State.
4. The National Testing Agency, Through its Chairperson First Floor, NSIC-MDBP Building, Okhla Industrial Estate, New Delhi 110 020.
5. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]

-Contd-

6. One CC to M/s P.VIJAYA LAKSHMI, Advocate [OPUC]
7. One CC to SRI GADI PRAVEEN KUMAR, DEPUTY SOLICITOR GENERAL OF INDIA (OPUC)
8. One CC to SRI A.PRABHAKAR RAO, SC FOR KALOJI NARAYANA RAO UNIVERSITY (OPUC)
9. Two CD Copies

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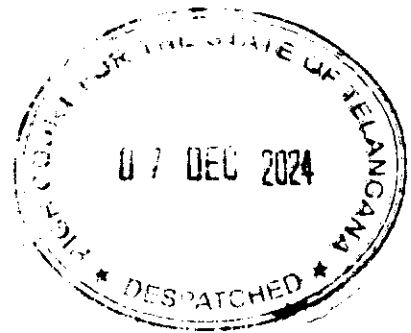
CHR

HIGH COURT

DATED:18/11/2024

ORDER

WP.No.29160 of 2024



**DISPOSING OF THE W.P
WITHOUT COSTS.**

⑫ CHR
5/12/24