

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

**WEDNESDAY, THE TWENTY THIRD 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: 29420 OF 2024

Between:

Kogila Uday, S/o: Kogila Samgaiah, Aged 22 years, Occ: Student R/o House
No 2-3-102, Peddakodepaka, Shyampet Mandal, Warangal District .

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad
2. Kaloji Narayana Rao University of Health Sciences, Represented by its Registrar, Warangal.
3. Convener, MBBS/BDS 2024-25, C/o Kaloji Narayana Rao University of Health Sciences, 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 direction, more particularly one in the nature of writ of Mandamus declaring the action of the Respondent No.2 in not allowing the petitioner to exercise web-options for next phase counseling pursuant to the representation dated 20-10-2024 in BDS Course under Management Quota (B-Category, 'C'-Category/NRI) for the Academic Year 2024-25, as arbitrary, illegal, unconstitutional and violative of Article 14, 21A of the Constitution of India and consequently direct the respondents No. 2 and 3 to permit the petitioner to opt for WEB options for B and C (NRI) category for the academic year 2024-25 for BDS Course.

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 and 3 to permit the petitioner to opt for WEB options for B & C (NRI) category in BDS Course for the academic year 2024-25 pending disposal of the writ petition.

Counsel for the Petitioner: SRI RAJAGOPALLAVAN TAYI

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

**Counsel for the Respondent Nos.2 and 3: 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.29420 of 2024

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

Mr. Rajagopallavan Tayi, learned counsel for the petitioner.

Mr. T.Ramesh, learned Assistant Government Pleader for Health, Medical & 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 respondents No.2 and 3.

2. In this writ petition, the petitioner has assailed the action of the respondent No.2 in not permitting him to exercise the web options for the next phase of counselling for admission to BDS course for the academic year 2024-2025 in the State of Telangana.

3. Facts giving rise to filing of this writ petition briefly stated are that the petitioner has appeared in the NEET Examination held in the year 2024 and had registered under the "A", "B" and "C" categories for admission into MBBS/BDS courses. It is the case of the petitioner that he suffered from dengue fever and was under treatment from 27.09.2024 to 17.10.2024 and could not exercise the web options for the first two phases of counselling. Thereafter, the petitioner submitted a representation to the University on 20.10.2024 seeking permission to exercise the web options for admission to BDS course under the management quota. The aforesaid representation failed to evoke any response. Thereupon, this writ petition has been filed.

4. Learned counsel for the petitioner submits that the petitioner was suffering from dengue fever and was undergoing treatment from 27.09.2024 to 17.10.2024 and therefore he could not exercise the web options. It is, therefore, submitted that the petitioner be permitted to exercise the web options.

5. On the other hand, the learned Standing Counsel for the University submits that the third phase of counselling under management quota has already commenced and shall be concluded by today evening. It is further submitted that under Rule 4(iv) of the Telangana Medical & Dental Colleges Admission (Admission into MBBS/BDS Courses) Rules, 2017 (hereinafter referred to as, "the Rules"), the petitioner is not entitled to any relief.

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

7. Rule 4(iv) of the Rules is extracted below for the facility of reference:

"iv) Candidates are permitted to exercise web option for each round of Counselling separately. While submitting the options, candidates have to give options for the course and the college in which they are interested. Candidates are not supposed to give option to the course and college for which they are not interested. There is no limitation for options. If the candidate is allotted seat, he/she has to report for admission without fail. If the candidate has not

reported, he/she will not be considered for allotment of seat for subsequent rounds of counselling/web-based allotments. In other words, the candidate will not be considered for further counselling for that academic year admission.

All registered and eligible candidates shall exercise web options from the first phase of counselling onwards. If the candidate does not exercise web options in the first phase of counselling, he/she shall not be eligible for further phases of counselling."

8. Admittedly, the petitioner was at liberty to exercise the web options in the first phase of counselling even from his mobile phone. However, he failed to exercise that option and therefore, under Rule 4(iv) of the Rules, the petitioner cannot be permitted to exercise the web options for the subsequent phases of counselling. The third phase of counselling has already commenced and shall be concluded today.

9. Therefore, we do not find any merit in the writ petition.

10. The writ petition fails and is hereby dismissed.



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

//TRUE COPY//

SD/- N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri Rajagopallavan Tayi, Advocate [OPUC]
2. One CC to Sri A. Prabhkar 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

TJ
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KP.

HIGH COURT

DATED:23/10/2024

ORDER

WP.No.29420 of 2024



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

*7 Copies
[Signature]
21/11/24.*