

HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

W.P.Nos.29991, 30320, 31360, 31557, 31566 &
31772 OF 2015

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COMMON ORDER: (Per Hon'ble Sri Justice R.Subhash Reddy)

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In view of the common questions of law and fact, all these writ petitions are heard together and disposed of at the admission stage, by this common order.

2. In all the writ petitions, the petitioners have questioned G.O.Ms.No.120, Health, Medical and Family Welfare (E1) Department, dated 23.08.2014, so far as it relates to denial of local reservation in respect of 85% of the seats, on the ground that the said order is passed contrary to the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974 (for short 'Presidential Order, 1974') and they seek consequential directions to respondents 1, 3, 4 and 5 to implement reservation for local candidates as per the Presidential Order, 1974 while filling up the seats.

3. Sri Padmavathi Medical College for Women, Tirupathi, Chittoor District is an unaided non-minority professional college run by the Sri Venkateswara Institute of Medical Sciences.

4. In the writ petitions, it is the grievance of the petitioners that admissions into medical courses in Sri Padmavathi Medical College for the academic year 2014-15 are made contrary to the Presidential Order, 1974 issued under Article 371-D of the Constitution of India.

5. As per the Presidential Order, 1974 issued under Article 371-D of the Constitution of India, 85% of the available seats in every course of study are reserved for candidates belonging to local area. For the purpose of admissions into professional colleges in the composite State of Andhra Pradesh, there are three local areas i.e., Sri Venkateswara University, Andhra University and Osmania University.

6. Further, under the Andhra Pradesh Re-organization Act, 2014 (for short 'the Act'), by which, State of Telangana is formed, there is a provision under Section 95 of the Act to the effect that the Presidential Order, 1974 as notified earlier shall continue to operate for a period of 10 years. In view of the provision under Section 95 of the Act, the Presidential Order, 1974 has to be followed for the purpose of effecting reservation to local candidates for the purpose of admission into professional colleges. Sri Venkateshwara University local area consists of five districts viz., Anantapur, Cuddapah, Kurnool, Chittoor and Nellore as per Para 3.3 of the Presidential Order, 1974.

7. The Government has issued guidelines vide G.O.Ms.No.120, dated 23.08.2014 to fill up 85% of available seats in Sri Padmavathi Medical College for Women by treating the candidates of the 13 districts of the residuary State of Andhra Pradesh as single unit. As against the said orders issued by the Government in G.O.Ms.No.120, dated 23.08.2014, earlier, some of the students have approached this Court in W.P.Nos.25586 and 26125 of 2015, by judgment dated 19.08.2014, the said writ petitions were allowed by quashing the

orders issued by the Government in G.O.Ms.No.120, Health, Medical and Family Welfare (E1) Department, dated 23.08.2014 to the extent of treating 13 districts of the residuary State of Andhra Pradesh as one unit for the purpose of admissions into Sri Padmavathi Medical College for Women as illegal while setting aside the admissions made. This Court further directed the respondents to make admissions by conducting fresh counseling duly following the local area reservation as contemplated under the Presidential Order, 1974. As against the same, the Sri Venkateshwara Institute of Medical Sciences carried the matter in Special Leave to Appeal (C) Nos.25080 and 25081 of 2015 before the Hon'ble Supreme Court and the said Special Leave Petitions are disposed of by order dated 21.09.2015. A copy of the order passed by the Hon'ble Supreme Court is placed on record.

8. Before the Hon'ble Supreme Court, Sri Venkateshwara Institute of Medical Sciences submitted that the eight respondents therein, who are the petitioners in the aforesaid two writ petitions, will be accommodated in the college against NRI seats by granting admission. In view of the said statement made by Sri Venkateshwara Institute of Medical Sciences, the Hon'ble Supreme Court, while disposing of the Special Leave Petitions, observed that there is no need for further counseling.

9. Some writ petitions were filed before orders were passed by the Hon'ble Supreme Court in Special Leave Petitions referred above and some other writ petitions were filed subsequent to the same. Altogether, there are 19 students, who are from local area of Sri Venkateshwara University. As per the Presidential Order, 1974, they have appeared for the entrance test. It is their case that they could not get admission for want of implementing the Presidential Order, 1974 by reservation of 85% of the available seats to the local candidates. It is submitted during the course of arguments that, as

they stand on the same footing as that of the respondents in the Special Leave Petitions disposed of by the Hon'ble Supreme Court, they are entitled for grant of admission in Sri Padmavathi Medical College for Women.

10. On instructions, Smt. Sarada, learned counsel appearing for Sri Padmavathi Medical College for Women and Sri Venkateswara Institute of Medical Sciences, submits that 18 seats are available after first round of counseling in different categories i.e. Open, SC, BC(B), BC(A), BC(E) and there are two vacant seats in NRI category. It is also brought to the notice of this Court that, as per the directions issued by the Hon'ble Supreme Court and the circular instructions issued by the Medical Council of India, admission process has to be completed in professional colleges by 30.09.2015. As such, we are close to the date, which is fixed for closing admissions in medical courses.

11. It is not in dispute that when the matter is carried by the 5th respondent-Sri Venkateswara Institute of Medical Sciences, by way of special leave petitions against the order passed by this Court in W.P.Nos. 25080 and 25081 of 2015, the Hon'ble Supreme Court has not interfered with the final order passed by this Court. However, the special leave petitions are disposed of, in view of the submissions made by the learned counsel appearing for the 5th respondent, offering admissions to the petitioners in the earlier two writ petitions, who are from the local area of Sri Venkateswara University, in NRI category. It is submitted that pursuant to the said orders passed by the Hon'ble Supreme Court, 8 petitioners, who are covered in the earlier writ petitions, are already admitted into first year MBBS course. The petitioners in all these writ petitions, who are from the local area of Sri Venkateshwara University, have also appeared for entrance examination and it is their grievance that they are not admitted as much as the respondents have not implemented the Presidential

Order, 1974 by reserving seats to the extent of 85% for local candidates. Further, it is admitted that there are 18 vacant seats in the 85% quota for local candidates and two vacant seats in NRI category, at present in the 4th respondent college. It is also the case of the petitioners that some of them are better rank holders than the petitioners in W.P.Nos.25080 and 25081 of 2015.

12. In view of the fact that there are 18 vacant seats in 85% quota apart from two NRI vacant seats as on today, and as it is also brought to the notice of this Court that as per the directions issued by the Hon'ble Supreme Court and the circular instructions issued by the Medical Counsel of India, all the vacancies are to be filled-up by 30.09.2015, if such vacant seats are not filled up, they would go waste. As the petitioners are qualified candidates and appeared for entrance test and as they are from the local area of Sri Venkateswara University, we are of the view that they also stand on the same footing as the petitioners in W.P.Nos.25080 and 25081 of 2015, and hence, their claims also can be considered for grant of admission.

13. Accordingly, the writ petitions are disposed of directing the respondents to fill up the vacant seats in the 85% quota and also the vacant seats in NRI category by considering the cases of the petitioners in order of merit. There shall be no order as to costs.

14. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

R. SUBHASH REDDY, J

A.SHANKAR NARAYANA, J

29.09. 2015

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Note: Issue c.c. today.

HON'BLE SRI JUSTICE R. SUBHASH REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

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DATED: 29.09.2015

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