

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

WRIT PETITION No.32828 of 2015

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

In this writ petition, the petitioner seeks Mandamus to declare the action of respondents 2 and 3 in denying her a seat in MBBS Course in Sri Padmavathi Medical College for Women, Tirupati, for non-production of original certificates, and allotting such seat to the 4th respondent, as illegal and arbitrary.

The petitioner, after passing Intermediate in Bi.P.C group, appeared for A.P. EAMCET Examination held in 2015 and secured the rank of 11,138. The petitioner belongs to S.C. category and is a candidate belonging to local area of SVU. In the first counseling, the petitioner did not get M.B.B.S seat, but was allotted seat in B.D.S Course in Government Dental College, Kadapa. It is stated that subsequently, in the second counseling, the petitioner was allotted seat in BDS Course in Government Dental College, Vijayawada, of Andhra University Area and, as such, she joined in Vijayawada, after submitting all her original certificates.

The 3rd respondent – Sri Venkateswara Institute of Medical Sciences has issued notification for the second counseling. The notification clearly discloses the certificates to be submitted. Further, in the note mentioned in the notification, it is stated that the Custodian certificates of any other University will not be entertained.

In this writ petition, it is the grievance of the petitioner that the candidates who secured lesser marks than her, were granted admission in second counseling by the 3rd respondent and she was denied admission illegally.

It is stated that though one Bonasi Ooha and D.Alekhyia, who belong to the same category from the same local area as that of the petitioner, have secured AP EAMCET ranks of 11342 and 11418 respectively, they were allotted seats in M.B.B.S Course, whereas the petitioner, who secured better rank than those two students, was denied seat.

In the counter affidavit filed by the 3rd respondent, while denying various allegations made by the petitioner, it is stated that in the first counseling, the petitioner did not get admission and in the notification issued for second counseling, it is clearly mentioned that the candidates with original certificates will only be permitted but the petitioner has produced custodian certificate issued by Andhra University. Further, it is submitted that Dr.NTR University of Health Sciences has made a communication regarding five SC vacancies on the evening of 28.09.2015 and subsequently one more vacancy arose on 30.09.2015 due to sliding of an SC candidate to other Medical College, which was intimated over phone at 11.30 a.m. It is stated that the petitioner has not produced required certificates on the date of second counseling and as respondent No.4 has produced original certificates, she was allotted seat in M.B.B.S Course.

It is to be noticed that the seats in M.B.B.S Course in the second counseling were filled up on 30.09.2015, which was the last date for completion of admission into M.B.B.S Course as per the directions issued by the Hon'ble Supreme Court. It is true that the petitioner secured better rank than the 4th respondent and another candidate by name Bonasi Ooha, but the fact remains that on the date of second counseling, the petitioner did not produce the original certificates as contemplated under the notification. In the note mentioned in the notification, it is clearly stated that the Custodian certificates of any other University will not be entertained. As the petitioner has already joined in B.D.S Course in a College of Andhra University Area by submitting the original certificates, she could not produce the said certificates on the date of second counseling

conducted by the 3rd respondent. In view of the fact that notification clearly states that Custodian certificates will not be accepted and as the petitioner has failed to produce the original certificates as required in the notification, it cannot be said that the petitioner is denied admission in M.B.B.S Course illegally. As much as 30.09.2015 was the last date for completion of admissions into M.B.B.S Course, the respondents were forced to fill up the seats with candidates who satisfied eligibility criteria and who have produced the original certificates on that date. Hence, we do not find any merit in this writ petition to grant the relief as sought for.

Accordingly, the Writ Petition is dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R.SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

04.12.2015

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