

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

WRIT PETITION No.25316 of 2015

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

This writ petition is filed by the petitioner seeking *Mandamus* to declare the action of the respondents in not admitting him into I Year MBBS course for the academic year 2015-16 on the ground that he has not produced the original of 8th Class Study Certificate at the time of counselling, as arbitrary and illegal.

2. The petitioner has appeared for EAMCET-2015 Examination conducted for grant of admission into M.B.B.S./B.D.S. courses for the academic year 2015-16 in the State of Andhra Pradesh. The petitioner belongs to BC 'D' community and secured 3739 rank. As per the counselling schedule in Phase-II and III, the petitioner has appeared on 09.08.2015 before the Convener. It is the case of the petitioner that at the time of counselling, he is in possession of the copy of 8th Class Study Certificate, but not the original. Therefore, on his request, he was permitted to produce the original before the end of day's counselling. The grievance of the petitioner is that inspite of bringing the original of 8th Class Study Certificate, he was deprived of admission into MBBS course only on the ground that he has not produced the original of 8th

Class Study Certificate during counselling.

3. On written instructions, it is submitted by Sri A. Prabhakar Rao, learned Standing Counsel for Dr. N.T.R. Health University, that the last admitted candidate in BC 'D' category is having 2945 rank and since the petitioner has secured 3739 rank, he is not eligible for admission into MBBS course under the said category. The learned Standing Counsel would further submit that if there are any unfilled seats from out of 50% of the Convener quota, the case of the petitioner for admission into MBBS course will be considered during second counselling.

4. As the last admitted candidate in BC 'D' category is having 2945 rank, whereas the petitioner has secured 3739 rank, the case of the petitioner is not considered for admission into MBBS course under BC 'D' category in the first counselling. Therefore, it cannot be said that the respondents have denied admission to the petitioner. At the same time, if there are any unfilled seats from out of 50% of the Convener quota, the respondents shall consider the case of the petitioner for admission into MBBS course, during second counselling as per his merit and eligibility, without disqualifying him on the ground of non-production of original Study Certificate of 8th Class during first counselling.

5. Subject to the above direction, this writ petition is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No

order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

13.08.2015.
Msr

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