

IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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WRIT PETITION No.25539 of 2015

Between:

Fatima Al Farooqui & another.

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... Petitioners

and

The Dr.NTR University of Health Sciences, Vijayawada,
Rep. by its Registrar & others.

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... Respondents

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DATE OF JUDGMENT PRONOUNCED: 18.08.2015

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SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE R. SUBHASH REDDY

And

HON'BLE SRI JUSTICE A. SHANKAR

NARAYANA

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1. Whether Reporters of Local newspapers
Yes/No

may be allowed to see the Judgment ?

2. Whether the copies of judgment may be
Yes/No

marked to Law Reporters/Journals ?

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3. Whether Their Ladyship/Lordship wish to
Yes/No see the fair copy of the judgment ?

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

WRIT PETITION No.25539 of 2015

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ORDER : (Per Justice R.Subhash Reddy)

In this writ petition, the petitioners seek directions by way of Mandamus to declare the action of respondents in withdrawing one BDS seat in Government Dental College and Hospital at Hyderabad from display board when the 1st petitioner's turn for counseling came on 02.08.2015, as arbitrary and illegal.

The 1st petitioner appeared for EAMCET-2015 and secured the rank of 5428. She comes under BC-E category for reservation purpose. The 2nd petitioner is her father. In this writ petition, it is the grievance of the petitioners that on the date of counseling, though one BDS seat in Government Dental College and Hospital at Hyderabad in unreserved category was available, the same was denied to the 1st petitioner by abruptly removing the seat from the display board.

A detailed counter affidavit is filed on behalf of NTR

Health University. In the counter, while denying the various allegations made by the petitioners, it is stated that the Government Dental College at Hyderabad is Statewide college with intake capacity of 100 seats and as per the Presidential Order, 85% of seats are reserved for local candidates of three University regions, namely, Andhra University, Osmania University and Sree Venkateswara University in the ratio of 42:36:22 and 15% of seats are unreserved seats. As per the said ratio, Andhra University region will get 36 seats, Osmania University region will get 30 seats and S.V.University region will get 19 seats. Four seats are reserved for BC candidates; one seat each in three University regions and one seat in un-reserved category. It is stated that out of those four seats, one seat each in the three regions are filled up with Shaik Sajed Nawaz for Osmania University, S.Almas for S.V.University and Neha Naznen for Andhra University region, and during the counseling, BC-E un-reserved seat was not displayed in the computer due to technical snag and it was immediately announced in all the four counseling centres that one BC-E unreserved seat in Government Dental College, Hyderabad could not be filled-up due to technical snag in the computer and also announced that the said seat will be filled-up in the 2nd phase of counseling. It is stated that the 1st petitioner, who secured the rank of 5428, is not entitled to claim un-reserved seat as there are more meritorious candidates

than her and who have taken admission in private dental colleges. Respondents have also given the ranks of the candidates who are meritorious than the 1st petitioner and who have taken admission in private colleges. It is stated that the 1st petitioner has opted to take admission in Balaji Dental College, R.R.District. It is further stated that there is no possibility of 1st petitioner getting un-reserved BC-E category seat in Government Dental College, Hyderabad, as there are more meritorious candidates than her in the Osmania University region. It is categorically stated that technical snag in the computer blocking the unreserved BC-E category seat was found much prior to the date of counseling of the 1st petitioner i.e. 02.08.2015.

From the averments made in the counter affidavit, it is clear that though there was availability of BC-E category seat, same was not shown due to technical snag on the date of counseling of 1st petitioner i.e. 02.08.2015 and as evident from the counter affidavit, more meritorious candidates than the 1st petitioner are available in Osmania University area, as such, the 1st petitioner, who secured the rank of 5428, is not entitled to any relief in this writ petition. Further, respondents have categorically denied the allegation of petitioners that they wantonly blocked the unreserved BC-E category seat in Government Dental College, Hyderabad, only to victimize the 1st petitioner.

In view of the explanation offered in the counter affidavit, we do not find any merit in this writ petition so as to grant the relief as prayed for.

The writ petition is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

R. SUBHASH REDDY, J

A. SHANKAR NARAYANA, J

18th August 2015
ajr