

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

WRIT PETITION No.27339 of 2015

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

In this writ petition, the petitioner has questioned Note 5 of the Notes in the annexure to G.O.Ms.No.41, Health, Medical and Family Welfare (C1) Department, dated 20.05.2015.

The petitioner is a student who is offered provisional admission into 1st year MBBS Course in the 5th respondent Private Unaided Medical College. The State of Telangana has issued G.O.Ms.No.41, Health, Medical and Family Welfare (C1) Department, dated 20.05.2015, fixing fee structure for the academic year 2015-16. Note 5 in the annexure to the said G.O. permits the managements of the institutions to seek bank guarantee towards tuition fee chargeable for the entire course, at the time of admission.

The petitioner secured rank of 657 in the Common Entrance Test conducted by the 4th respondent Association and is issued provisional admission order by the 2nd respondent-Convenor of Medical Common Entrance Test-AC-2015 for Telangana State. As per the said admission order, the petitioner is asked to pay the tuition fee for the 1st year and also furnish bank guarantee towards the tuition fee for the remaining period of course on or before 31.08.2015 by 5.00 P.M. It appears such condition for giving bank guarantee for the entire course is imposed based on the impugned Note in

annexure to G.O.Ms.No.41 dated 20.05.2015.

Heard learned counsel appearing for the parties.

Though the petitioner has questioned the impugned clause on various grounds, when the matter is called for hearing, learned Government Pleader for Medical & Health has produced copy of the orders issued by the Government of Telangana in G.O.Ms.No.73 Health, Medical and Family Welfare (C1) Department, dated 26.08.2015, amending Note 5 of the Notes in the annexure to G.O.Ms.No.41 dated 20.05.2015. The amendment reads as under:

“The clause No.5 of Notes (both Medical & Dental) in Annexure to G.O.Ms.No.41, Health, Medical and Family Welfare (C1) Department, dated 20.05.2015 shall be substituted as follows:

FOR	READ AS
The managements of the institutions may seek Bank Guarantee for tuition fee chargeable for the entire course.	The managements of the institutions may seek Bank Guarantee for tuition fee chargeable for every succeeding year.

The Principals of all Private Unaided Non-Minority Medical/Dental Colleges shall take necessary action in the matter accordingly.”

In view of the orders passed by the Government in G.O.Ms.No.73, dated 26.08.2015, learned counsel for petitioner requested to dispose of the writ petition by directing the respondents to accept the bank guarantee towards the tuition fee equivalent to the tuition fee of the succeeding year.

As per the amended orders of the Government, it is clear that at the time of admission, institutions are required to collect tuition fee for one year and apart from the same, they can insist for furnishing bank guarantee equivalent to tuition fee payable for the succeeding year.

In view of the request made by the learned counsel for

petitioner and having regard to the orders issued by the Government in G.O.Ms.No.73, dated 26.08.2015, we deem it appropriate to dispose of the writ petition with the following directions:

1. The condition imposed in the provisional admission order issued by the 2nd respondent, requiring the petitioner to furnish the bank guarantee towards the tuition fee chargeable for the remaining course, is hereby set aside.
2. As amended order is issued by the Government only on 26.08.2015, we direct the respondents to admit the petitioner on paying tuition fee payable for the 1st year and the petitioner is granted one week time from today for furnishing bank guarantee towards the tuition fee for succeeding year.
3. It is made clear that the admission of petitioner will be subject to bank guarantee to be furnished by the petitioner within one week as ordered above.

Subject to the above directions, the writ petition is disposed of.

As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

27.08.2015

Note: Issue CC by tomorrow

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