

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.23316 of 2009

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Between:

- 1. Kothapalli Vaishnavi Gupta, and others.

PETITIONERS

AND

- 1. Registrar, Dr. N.T.R University of Health Sciences, Andhra Pradesh,
Vijayawada, and others.

RESPONDENTS

ORDER:

This writ petition is filed for the following relief –

“.....to declare the action of the respondents in canceling the counseling for B.H.M.S. Course held on 3.9.2009 for accommodating the other colleges students without considering the students who have already admitted into the colleges and attended the classes for 45 days by issuing fresh notification to conduct counseling again as illegal, arbitrary and unjust and against the rule of natural justice consequently issue a writ, order or direction more particularly one in

the nature of a writ of Mandamus, directing the Respondents not to conduct any re-counseling proposed to conduct from 26.10.2009 by the Respondent No.2 and pass....”

The case of the petitioners was that they obtained seat in Bachelor of Homoeo Medical Sciences Course in the counseling held by the respondents on 02.09.2009 as per the rank obtained them in EAMCET. The respondents issued provisional admission order to the petitioners and allotted seats in the 3rd respondent College, viz., JSPS Government Homoeo Medical College, Ramanthapur, Hyderabad. Accordingly the petitioners joined the college on 05.09.2009 and have been attending the classes regularly. While so, on 22.10.2009, the 1st respondent issued a notification in the newspapers for re-counseling proposed to be conducted on 26.10.2009 to 27.10.2009 for the courses BAMS/BHMS/BNYS for the academic year 2009-10. The reason stated by the 1st respondent was that the Government of India has not accorded permission to certain private colleges. The grievance of the petitioners is that they have been admitted in the college after paying requisite fee etc., and they have been attending the classes. At this juncture if they did not get the seat in the same college and in the same course they will be put to irreparable loss. Therefore, they have filed the present writ petition.

Heard learned counsel for the petitioner and Sri A. Prabhakar Rao, learned Standing Counsel for the 1st respondent-University.

While ordering Rule Nisi on 23.10.2009, this Court granted ad interim direction to the respondents not to disturb the petitioners from the present college i.e., JSPS Government Homoeo Medical College, Ramanthapur, Hyderabad.

The main writ petition itself is filed questioning the cancellation of counseling held on 03.09.2009 and transferring the petitioners to another college. In as much as by virtue of the interim order the main relief sought for in the writ petition virtually stands redressed, and in view of the fact that the very course itself is of four years and as of now completed, nothing survives for adjudication in this writ petition.

Accordingly, the writ petition is closed. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

CHALLA KODANDA RAM, J.

6th November, 2015

Js.