

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

WRIT PETITION Nos.15880, 20156, 21796 & 24751 of 2015

COMMON ORDER: (Per R. Subhash Reddy, J)

These four Writ Petitions are filed by the same petitioner, but when they are taken up for hearing, it is submitted by learned senior counsel

Sri M. Narender Reddy, assisted by Smt. Y. Jhansi, learned counsel on record for the petitioner, that he is confining only to the relief sought in W.P.No.24751 of 2015 and he is not pressing for the relief sought in other Writ Petitions.

2. W.P.No.24751 of 2015 is filed with the prayer which reads as under:

“...issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in preparing the merit lists for the purpose of granting admissions into PG Medical Course and the approvals accorded by the 2nd respondent university without obtaining the signatures of the members of the Committee for admissions, P.G.Medical Courses in Private Medical Colleges, (2015-16), Dr. NTR UHS, and contrary to the procedure prescribed in G.O.Ms.No.93, Health, Medical & Family Welfare (El) Department dated 1.7.2013 as amended in G.O.Ms.No.50 Health, Medical & Family Welfare (C1) Department dated 19.5.2015 and thereby denying the admission to the petitioner as being illegal, arbitrary, unjust and violation of Article 14 & 15 of the Constitution of India and contrary to the rules issued in G.O.Ms.No.93, Health, Medical & Family Welfare (El) Department dated 1.7.2013 as amended in G.O.Ms.No.50

Health, Medical & Family Welfare (C1) Department dated 19.5.2015 and consequently hold that the Petitioner is entitled to be admitted into P.G. Dermatology/Radiology course in 3rd and 4th Respondent colleges in accordance with the merit secured in the MBBS examinations and to pass such other order or orders as the Hon'ble Court may deem fit and proper in the interest of justice."

3. Petitioner has completed MBBS degree course in KMC College, Chinakondrupadu, Guntur District during the years 2008-2014 and appeared for common entrance test, viz., PGMET 2015 conducted by the 2nd respondent-University on 01.3.2015 and secured 2066th rank. It is her grievance that when she approached the respondents-Private Medical Colleges for obtaining application for admission in the management quota, she was not furnished application. It is alleged that the respondents issued notification which was published in the newspapers on 05.06.2015 and also in websites stating that last date for submitting applications is 08.06.2015 to some colleges and 09.06.2015 with regard to the 4th respondent-college. Earlier, petitioner filed W.P.No.15880 of 2015 in which directions were issued to the 3rd and 4th respondents to issue application forms to the petitioner. It is the grievance of the petitioner that though she approached the 3rd respondent on 09.06.2015 along with her father, she was not furnished application and only after filing C.C.No.1107 of 2015, application was furnished to her on 25.06.2015 and thereafter she immediately submitted filled-in application under acknowledgment. In the affidavit filed in support of the Writ

Petition, it is stated that petitioner gathered information under the Right to Information Act, 2005 in connection with P.G. Medical course in Private Medical Colleges, which revealed that there is fraud and collusion between University officials and Management of Private Medical Colleges.

4. It is submitted by the learned senior counsel appearing for the petitioner that though Committee is constituted by the competent authority for approval of candidates for admission into Private Medical Colleges under Management Quota, without obtaining proper approval from all the members of the said Committee, admissions are being made illegally and arbitrarily. It is further submitted that earlier Rules issued in G.O.Ms.No.93, Health, Medical & Family Welfare (El) Department dated 01.07.2013 are amended vide G.O.Ms.No.50, Health, Medical & Family Welfare (C1) Department dated 19.05.2015 but admissions are made in gross violation of the same.

5. Counter-affidavits are filed on behalf of 2nd and 7th respondents by Sri A. Prabhakar Rao, learned standing counsel. Learned counsel for other respondents pleaded that common counter-affidavit has been filed in all the four Writ Petitions.

6. In the counter-affidavit filed on behalf of the 2nd and 7th respondents, while denying the various allegations made by the petitioner, it is stated that admissions to the unaided non-minority Medical and Dental professional institutions are governed by the statutory Rules framed under G.O.Ms.No.93,

Health, Medical and Family Welfare (E.1) Department dated 01.07.2013, as per which marks obtained in qualifying examination were restricted to 85% and 15% marks were allocated for interview. It is stated that the allocation of 15% marks for interview was challenged in W.P.No.17918 of 2014 and this Court vide judgment dated 25.09.2014 struck down sub-rule IV of Rule 3 and sub-rule V(a) of Rule 4 of the Rules and directed the Government to frame Rules governing admissions, as such, further orders were issued by making Rules vide G.O.Ms.No.50, Health, Medical & Family Welfare (C1) Department dated 19.05.2015 in compliance of the directions of this Court. It is stated that Government of Telangana State also issued similar G.O., i.e. G.O.Ms.No.34 dated 02.05.2015 and all the Private Medical Colleges in the States of Andhra Pradesh and Telangana have prepared merit list of candidates for admission into Post Graduate Medical, Dental & Super Specialty Courses for the academic year 2015-16 under Management Quota in accordance with the Rules and such merits lists were placed before the Committee constituted by the University on 22.05.2015 and the Committee has approved the same. It is stated that after approved merit list is sent to the respective colleges, admissions are made as per the said list.

7. It is submitted by Sri M. Narender Reddy, learned senior counsel appearing for the petitioner, that when petitioner was deprived of application forms in spite of directions issued by this Court, Contempt Case is filed and thereafter when the petitioner obtained and submitted filled-in application form, the same has

not been considered and the petitioner is unduly deprived of admission. It is further submitted that respondents have violated the statutory Rules framed in G.O.Ms.No.93, Health, Medical & Family Welfare (EI) Department dated 01.07.2013 as amended vide G.O.Ms.No.50, Health, Medical & Family Welfare (C1) Department dated 19.05.2015.

8. In these cases, from the counter-affidavits filed by Private Medical Colleges, it is clear that notification was issued inviting applications in the month of February, 2015 and further notification was issued in the month of June, 2015 which is published in the newspapers to fill up vacant seats after admissions were made from the first merit list approved by the University.

9. Petitioner has not produced any material before this Court in proof of submitting application along with demand draft for Rs.5,000/- as required. Though petitioner vaguely alleges that respondents have violated the statutory Rules framed in G.O.Ms.No.93, Health, Medical & Family Welfare (EI) Department dated 01.07.2013 as amended vide G.O.Ms.No.50, Health, Medical & Family Welfare (C1) Department dated 19.05.2015, there is no specific allegation with regard to violation of any particular Rule. The allegations made in the affidavit filed in support of the Writ Petition are vague and general. A perusal of the affidavit would show that petitioner has stated as if the notification was issued for the first time only in June, 2015. In fact, it is clear from the counter-affidavits filed by the respondents that, at first instance notification inviting applications was issued in February, 2015 and thereafter

admission process was completed as per the Rules framed in G.O.Ms.No.93, Health, Medical & Family Welfare (El) Department dated 01.07.2013 as amended vide G.O.Ms.No.50, Health, Medical & Family Welfare (C1) Department dated 19.05.2015. In the absence of any specific allegation, petitioner is not entitled to the relief sought by her. Insofar as other Writ Petitions, i.e., W.P.Nos.15880, 20156 and 21796 of 2015 are concerned, they are also vague and filed with unspecific allegations by impleading all the private unaided non-minority Medical and Dental Colleges in the State as party respondents. It is clear from the counter-affidavit filed by the University that Private Medical Colleges have prepared merit lists and sent the same for approval by the University and the Committee has verified and approved such merit lists. Further, the University has also referred to letter No.MCI/23/(1) (time schedule)/2014-Med/168574 dated 25.03.2015, publishing the cutoff date as 10.06.2015 for grant of admissions.

10. As it is stated that classes have already commenced and in the absence of any material placed before this Court by the petitioner, responding to the first notification issued by the respondents-colleges, no relief as sought by the petitioner can be granted.

11. In the result, W.P.No.24751 of 2015 is dismissed and W.P.Nos.15880, 20156 and 21796 of 2015 are dismissed as 'not pressed'. No order as to costs.

As a sequel, miscellaneous petitions, if any pending in the Writ Petitions, stand closed.

R. SUBHASH REDDY, J

29th September, 2015
MRR

A. SHANKAR NARAYANA, J