

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

* * * *

WRIT PETITION No.25899 of 2015

Between:

K.Siva Venkata Sainath.

.. Petitioner

And

Union of India, rep. by its
Principal Secretary, New Delhi,
and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 17-08-2015

SUBMITTED FOR APPROVAL:

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

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

3. Whether Their Lordship wish to

see the fair copy of the Judgment?

Yes/No

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

WRIT PETITION No.25899 of 2015

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

In this writ petition, the petitioner seeks a direction by way of Mandamus to declare the policy of the 2nd respondent in not accepting the custodian certificate sought to be submitted by the petitioner in the 2nd and 3rd rounds of counseling on 25.08.2015 and 10.09.2015, as illegal and arbitrary.

The petitioner appeared for entrance test of All India Institute of Medical Sciences (AIIMS) and, having secured the rank of 489, he was allotted to AIIMS at Raipur. It is stated that the petitioner also appeared for EAMCET-2015 conducted in the State of Andhra Pradesh and secured the rank of 72 and, as such, he was allotted seat in Gandhi Medical College, Secunderabad. It is the case of the petitioner that there is 2nd round of counseling for AIIMS and he is given call letter along

with instructions of the 2nd respondent that no candidate will be allowed to attend the counseling without all original certificates.

In this writ petition, it is the grievance of the petitioner that as he has submitted all his original certificates to Dr. NTR University of Health Sciences, Vijayawada during the EAMCET counseling held on 29.07.2015 for the purpose of getting admission in Gandhi Medical College, Secunderabad he is not in possession of original certificates and secured custodian certificate from the EAMCET authorities. It is submitted that when the petitioner approached the 2nd respondent to know whether custodian certificate would be sufficient to participate in the 2nd and 3rd rounds of counseling to be held on 25-08-2015 and 10-09-2015, he was informed that such certificate will not be accepted and that he will not be allowed for counseling unless he produces the original certificates.

The Medical Colleges of AIIMS are in various places all over India and, for admission into MBBS Course in such colleges, common entrance test is conducted. Similarly, in the State of Andhra Pradesh, EAMCET is conducted for the purpose of allotting seats in various Government Medical Colleges. Initially the petitioner secured admission in AIIMS, Raipur, and subsequently, according to the rank secured by him in EAMCET, he was allotted to Gandhi Medical College. Now the petitioner wants to take chance of participating in the

2nd round of counseling to be conducted by AIIMS.

In various Medical Colleges of AIIMS as well as the Medical Colleges under the control of the State Governments, admissions are to be completed within time frame. In that view of the matter, if the petitioner is already allotted seat by EAMCET authorities, he cannot be permitted to participate in the 2nd round of counseling to be held by AIIMS unless he produces the original certificates. So long as the original certificates are with EAMCET authorities, the petitioner's admission is in tact and such seat cannot be offered to other candidate whose rank is lower than the petitioner's rank. In any case, having regard to the instructions of the 2nd respondent, we are of the view that there is no merit in the writ petition to issue directions to the 2nd respondent to accept the custodian certificate, sought to be produced by the petitioner, in the 2nd and 3rd rounds of counseling.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

17.08.2015
v v