

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE S.RAVI KUMAR**

WRIT PETITION No.40015 of 2015

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

This writ petition is filed seeking Mandamus to declare the orders issued by the Government in G.O.Ms.No.120 Health, Medical & Family Welfare (C1) Department, dated 23.08.2014, issued by the 1st respondent to the extent of denial of local reservation in respect of 85% seats as contrary to the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974 (for short, 'Presidential Order'), with a consequential direction to the respondents to implement reservation for local candidates while filling up the seats in the 4th respondent Medical College, which is being run by the 5th respondent University.

The 4th respondent – Padmavathi Medical College for Women is an unaided non-minority professional College run by the 5th respondent – Sri Venkateswara Institute of Medical Sciences. It falls within the local area of Sri Venkateswara University. As per the Presidential Order titled as "the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974", which was issued under Article 371 D of the Constitution

of India, 85% of the available seats are reserved for candidates belonging to three local areas namely, Sri Venkateswara University Area, Andhra University Area and Osmania University Area. The Government has issued orders in G.O.Ms.No.120 dated 23.08.2014 to fill up 85% of the available seats in the 4th respondent – College by treating the candidates of all the 13 Districts of the residual State of Andhra Pradesh as one Unit. Earlier, some students aspiring to get entry into M.B.B.S Course filed W.P.Nos.25586 and 26125 of 2015 before this Court questioning the orders issued by the Government in G.O.Ms.No.120 dated 23.08.2014 mainly on the ground that the same were issued contrary to the Presidential Order. This Court, by order dated 19.08.2015, allowed the said writ petitions by quashing the orders issued by the Government in G.O.Ms.No.120 dated 23.08.2014 with a further direction to the respondents to make admissions afresh by conducting fresh counselling duly following the Presidential Order. As against such orders, the matter was carried to the Hon'ble Supreme Court by way of Special Leave to Appeal (C) Nos.25080 and 25081 of 2015, which were disposed of by order dated 21.09.2015.

Before the Hon'ble Supreme Court, the respondent University has offered that the petitioners in the two writ petitions will be accommodated in NRI quota. Such offer was accepted and the Hon'ble Supreme Court has specifically observed in the order dated 21.09.2015 that

no further counselling is necessary.

Subsequently some other candidates have approached this Court by filing W.P.Nos.29991, 30320, 31360, 31557, 31566 & 31772 of 2015, which were disposed of by judgment dated 29.09.2015 directing the respondents to fill up all the vacant seats as on that date by considering the cases of the petitioners therein, who are from the local area of Sri Venkateswara University.

In this writ petition, the petitioner claims that she is a better rank holder than the petitioners in the earlier batch of writ petitions referred to above and, therefore, she is entitled for admission in fresh counseling.

As per the directions issued by the Hon'ble Supreme Court, admission process has to be completed by 30th September of every year. But this writ petition is filed on 08.12.2015. Further, during the course of hearing, it is brought to the notice of this Court that classes for M.B.B.S Course for the academic year 2015-16 have commenced from 01.09.2015. In that view of the matter and taking note of the fact that the writ petition is filed in the month of December, 2015 and also in view of the orders of the Hon'ble Supreme Court, no direction can be given for fresh counseling at this point of time and the writ petition is devoid of merits.

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 S.RAVI KUMAR

16.12.2015
v v