

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

WRIT PETITION No.28289 OF 2015

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

This Writ Petition is filed seeking to declare the action of respondents in not giving admission to the petitioner in M.B.B.S. course under Category – B seats for the academic year 2015 – 16, as illegal and arbitrary.

As per the notification issued by the 2nd respondent, exam for filling up Category – B seats was conducted on 03.06.2015 and the counselling was conducted by the Convenor on 21.08.2015 and 22.08.2015.

In this Writ Petition, it is the case of the petitioner that she has appeared for MCET-AC – 2015 examination conducted by the Association of Colleges for getting admission in M.B.B.S. Course under Category – B seats, but in view of the orders passed by the Government vide G.O.Ms.No.41, Health, Medical and Family Welfare (C1) Department, dated 20.05.2015, imposing a condition that the candidate seeking admission in M.B.B.S./Dental course shall furnish bank guarantee equivalent to four years tuition fee, she did not attend the counselling, as she could not produce such bank guarantee, but, however, subsequently, the Government has passed orders in G.O.Ms.No.73, Health, Medical and Family

Welfare (C1) Department, dated 26.08.2015, amending such condition by restricting the bank guarantee towards tuition fee chargeable for every succeeding year and hence, a direction be given to the respondents to consider her case for admission in M.B.B.S. course for the academic year 2015 – 16.

On instructions, it is submitted by Sri P. Srinivasa Rao, learned counsel for the 2nd respondent, that all the seats covered under Category – B were filled up by issuing admission orders to the students, who participated in the counselling on 21.08.2015 and 22.08.2015, and as per the schedule notified by the respondents, M.B.B.S. classes commence from 01.09.2015 onwards. It is further submitted that though the petitioner has appeared for the entrance test conducted by the 2nd respondent, she has not attended for the counselling held on 21.08.2015 and 22.08.2015.

A consensus arrangement has been arrived at between the 2nd respondent – Association and the Government for filling up Category – B seats and as per that agreement, the 2nd respondent has conducted entrance test and completed the counselling on 21.08.2015 and 22.08.2015. It is true that, as per the fee structure notified by the Government in G.O.Ms.No.41, dated 20.05.2015, apart from paying

tuition fee for one year, students are required to furnish bank guarantee equivalent to tuition fee of the remaining period of the course, but subsequently, the same was limited to one year vide orders passed by the Government in G.O.Ms.No.73, dated 26.08.2015.

As much as the petitioner has not attended the counselling held on 21.08.2015 and 22.08.2015 and as it is represented by the learned counsel for respondents that all the Category – B seats in M.B.B.S. course are filled up, we do not find any merit in this Writ Petition for grant of directions as prayed for, at this stage.

Accordingly, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

September 04, 2015

MD