

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.30665 of 2015

ORDER:

Heard the learned counsel for the petitioner, learned Government Pleader for Higher Education for 1st respondent, Sri P.Govind Reddy, learned Standing Counsel for 2nd respondent and Sri B.Narayana Reddy, learned Assistant Solicitor General, appearing for 4th respondent.

2. This Writ Petition is filed by the petitioner aggrieved by the action of the respondent Nos.2 and 4 in not considering the petitioner's case for admission under AGRICET-2015 in BVSC & AH, B.Sc.(Ag), B.Sc. (CABM), B.Tech. (Food Technology), BFSC/B.Sc. (Honours) etc. courses under the N.C.C.quota.
3. Petitioner contends that she had passed Intermediate course under the Bi.P.C. stream in 2014, that she had also joined the N.C.C. and obtained 'A' Certificate in 2012, and that she had represented the N.C.C. Cadet Junior Wing (JW) team in Inter State Sailing Championship' 2009 and won Silver Medal in the Access Inter State Sailing Competitions, 2009 under Women category. She contends that reservation of 1% seats in above courses is earmarked for N.C.C. students who have joined N.C.C. and obtained Certificates therein; that although G.O.Ms.No.155 Higher Education (EC II) Department, dt.17-11-2000 was issued fixing priorities to be followed in admission to various courses under this category for the above courses also, after the bifurcation of the erstwhile State of Andhra Pradesh into the State of Telangana and the residuary State of Andhra Pradesh, G.O.Ms.No.23 Higher Education (EC-II) Department dt.19-06-2015 was issued by the residuary State of Andhra

Pradesh; that under that G.O., medal winners in Sailing Competitions conducted by Federations/Associations at National level are entitled to a higher priority compared to other categories; this was not there in G.O.Ms.No.155 dt.17-11-2000 which continues to apply in Telangana State; and under a mistaken impression that the petitioner belongs to the Telangana area, the respondent Nos.2 and 4 have applied the priorities mentioned in G.O.Ms.No.155 dt.17-11-2000 to the case of petitioner instead of applying the priorities indicted in G.O.Ms.23 dt.19-06-2015.

4. Learned counsel for 2nd respondent states that 2nd respondent had not committed any mistake and that it had strictly followed the instructions of 4th respondent and it was the 4th respondent who has to answer the allegations made by the petitioner.
5. In the counter filed by 4th respondent, the 4th respondent has stated in para-4 that the case of the petitioner under the 1% N.C.C. quota was considered as per G.O.Ms.No.155 dt.17-11-2000. This implies that even though the petitioner does not belong to the Telangana State, the said G.O., which applies only to the Telangana State, has been applied by mistake while considering the case of the petitioner, instead of G.O.No.23 dt.19-06-2015 which ought to have been applied.
6. Having regard to this fact, 4th respondent is directed to consider the case of the petitioner under the N.C.C. quota by applying G.O.Ms.No.23 dt.19-06-2015, after taking into account the merit certificate and the silver medal obtained by the

petitioner in the Inter State Sailing Championship 2009 since admittedly the petitioner belongs to the State of Andhra Pradesh and not to the State of Telangana. This exercise shall be completed by 4th respondent within a period of three weeks from the date of receipt of a copy of this order. The decision taken by 4th respondent shall be forthwith communicated to 2nd respondent for further action in the matter.

7. Writ Petition is allowed with the above directions. No costs.
8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-11-2015

Note:

Issue C.C. by three days.

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