

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

WRIT PETITION No.25382 of 2015

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

The petitioner has filed this writ petition seeking *Mandamus* declaring the action of respondent Nos.1 to 5 in refusing to admit him into I Year MBBS course for the academic year 2015-16 only on the ground that he has produced manual handwriting study certificate relating to 4th to 8th Classes issued by the 6th respondent-Institution, instead of producing proforma study certificate pertaining to the said classes, as arbitrary and illegal.

2. The petitioner has appeared for EAMCET-2015 conducted for admission into Medical courses for the academic year 2015-16 and secured 4823 rank. He belongs to BC-B community, for which there are reservations. As per the instructions notified by the respondents, the petitioner is required to produce study certificate in the prescribed proforma from the schools where they have studied. In this writ petition, it is the grievance of the petitioner that though he has produced study certificate relating to 4th to 8th Classes issued by the 6th respondent-Institution i.e., Baba Learning Centre, only on the ground that such certificate is manually written, the respondents have denied him admission into Medical course for the academic year 2015-16.

3. Counter affidavit is filed by the 2nd respondent – Dr.

N.T.R. University of Health Sciences. While denying various allegations made by the petitioner, it is stated that as the petitioner is claiming regional reservation in S.V. University local area, as he has not studied in such local area for a period of not less than four consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared in the relevant qualifying examination, as per Regulation 7.8.1., his case will be considered with reference to Study Certificate issued by the Heads of Educational Institution, where a maximum period of not less than seven consecutive academic years with the academic year in which appeared for the intermediate examination or its equivalent. It is further stated that as the Study Certificate issued by Baba Learning Centre is not a recognized institution, the same was not taken into consideration, but not on the ground mentioned in the affidavit filed in support of the writ petition. It is further stated that if the petitioner produces residence certificate from the competent authority, his case will be considered in the 2nd Phase of counselling in one of the reserved areas of S.V. University local area.

4. It is to be noticed that in one of the Medical Colleges in the local area i.e., Padmavathi Medical College, when admissions are denied into M.B.B.S. Course along with other similarly placed persons by treating the entire residual State of Andhra Pradesh as one unit, which is contrary to the Presidential Order, 1974, this Court, by order dated 19.8.2015 in W.P.No.25586 of 2015 and batch, has set aside G.O.Ms.No.120, Health, Medical and Family Welfare (C1)

Department, dated 23.08.2014, to the extent of treating 13 Districts of the residual State of Andhra Pradesh as one unit for the purpose of admission into M.B.B.S. course. It is submitted by the learned Standing Counsel for the 2nd respondent-University that by virtue of the said orders of this Court, a fresh counselling is also proposed.

5. Having regard to the stand taken by the 2nd respondent-University in the counter affidavit and as the school, where the petitioner has studied, is not a recognized one, we deem it appropriate to dispose of the writ petition directing the respondents to consider the case of the petitioner for grant of admission into Medical course in the II Phase of counselling/fresh counselling as per his rank, provided the petitioner produces the Residence Certificate in order to satisfy the criteria to treat him as a local candidate of S.V. University local area in the quota reserved for such category.

6. Subject to the above direction, this writ petition is disposed of. As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

21.08.2015.

Msr

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