

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

AND

HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL No.317 OF 2016

JUDGMENT: (per ARR,J)

This appeal is filed against the order dated 25.04.2016 in WP.No.13825 of 2016, which reads as under;

“Notice before admission.

Prima facie, the Memo dated 01.10.2015 issued by the 3rd respondent is not in conformity with the Rules notified under A.P.Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 1997. In that view of the matter, the respondents shall make provisional selection of the petitioners subject to their eligibility in other respects without reference to Memo dated 01.10.2015. However, the provisional selection shall be subject to further orders that may be passed in WPMP with regard to the determination of the eligibility for prosecuting their studies.

Post immediately after summer vacations, 2016.”

Learned standing counsel for the appellant submits that the impugned Memo dated 01.10.2015 is only a clarification to the statutory rules and there is no amendment as such. Hence the order of the single Judge needs to be interdicted.

On the other hand, Sri N.Subba Reddy, learned Senior Counsel appearing for the respondents/writ petitioners, submits that the impugned memo is contrary to the statutory rules contained in G.O.Ms.No.260, Health, Medical and Family Welfare (E2) Department, dated 10.07.1997.

Learned Standing Counsel for the appellant states that the appellant will consider the case of the respondents/writ petitioners as

per statutory rules contained in G.O.Ms.No.260, Health, Medical and Family Welfare (E2) Department, dated 10.07.1997 as amended by G.O.Ms.No.279, Health, Medical and Family Welfare (E2) Department, dated 09.07.2001, G.O.Ms.No.719, Health, Medical and Family Welfare (E2) Department, dated 16.12.2003.

Learned Senior Counsel for the respondents/writ petitioners also states that the respondents/writ petitioners have no objection for considering their case in terms of the Statutory Rules contained in G.O.Ms.No.260, Health, Medical and Family Welfare (E2) Department, dated 10.07.1997 as amended from time to time.

In view of the same, this writ appeal is disposed of, by modifying the order of the single Judge to the effect that the appellant shall consider the case of the respondents/writ petitioners in terms of the G.O.Ms.No.260, Health, Medical and Family Welfare (E2) Department, dated 10.07.1997 as amended from time to time without reference to the Memo dated 01.10.2015. No order as to costs.

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

A.RAJASHEKER REDDY, J

A.SHANKAR NARAYANA, J

Date: 06.05.2016

Note: Issue C.C by today.

B/o. Prv/tk

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