

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT PETITION Nos. 26649 and 26914 of 2016

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COMMON ORDER: (*Per VRS,J*)

The petitioners in these writ petitions seek the issue of a writ of Mandamus to direct the respondents to grant local status to them in the concerned regions of the State of Andhra Pradesh, on the basis of the Presidential Order, dated 09.06.2016.

2. Heard the learned counsel for the petitioners, learned Government Pleader for the State of Andhra Pradesh, and

Mr. Thaddi Nageswara Rao, learned standing counsel for NTR University of Health Sciences, appearing for the 2nd respondent.

3. The cases of persons, who are similarly placed like the petitioners, were already considered by this Court and interim orders passed. On the basis of the interim orders, the persons, who came to Court before the first phase of web counseling was over, were also granted seats, subject, however, to the final disposal of the writ petitions.

4. After the University filed a counter affidavit and after the Government issued a Circular Memo, dated 08.08.2016, for implementation of the Presidential Order, dated 09.06.2016, published in the Gazette of India G.S.R.590(E), the writ petitions were taken up for final disposal on 11.08.2016. We have disposed of all the writ petitions, with a direction to the University to regularize the admissions granted to those petitioners, pursuant to the interim orders, subject, however, to those petitioners complying with the requirement in paragraph-4(d) of the Circular Memo, dated 08.08.2016.

5. In law, the petitioners herein are also entitled to the very same benefit. But unfortunately, the petitioners came up at a time when the first phase of web counselling was either in process or completed. Therefore, the benefit of the interim orders granted in other cases could not be extended to the present petitioners. The result is that the first phase of web counselling was over. Unless we set aside the entire counselling, the petitioners cannot be granted the benefit, as we have given in the first batch of writ petitions. But, setting aside the entire counselling is not possible. Therefore, we have to put the question of laches as against the petitioners, for the grant of identical

orders as we have passed in the other cases.

6. However, the petitioners cannot be left without a remedy. After the first phase of web counseling, some seats invariably go vacant, either due to the candidates, who are allotted seats, not joining or the candidates joining and leaving thereafter. Therefore, when the second phase of counseling starts, the petitioners should be considered as local candidates, in respect of the regions of the State of Andhra Pradesh.

7. Therefore, the Writ Petitions are disposed of, directing the respondents to consider the petitioners as local candidates in the State of Andhra Pradesh, as per the Presidential Order, dated 09.06.2016. The petitioners shall also immediately make applications online, as per paragraph-4(d) of the Circular Memo, dated 08.08.2016.

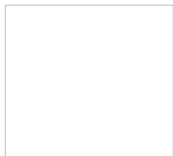
As and when the second phase of counselling begins, the respondents shall treat the petitioners as local candidates and consider their cases.

Consequently, miscellaneous petitions if any pending in the writ petitions shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

12th August, 2016
cbs



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