

THE HON'BLE SRI JUSTICE G.CHANDRAIAH
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

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C.C.NO.1952 OF 2014

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O R D E R (Per the Hon'ble Sri Justice G.Chandraiah)

Heard both the counsel.

2. The petitioner completed her graduation in M.B.B.S. and was aspiring for a Post Graduation Seat in Medical course in NRI Medical College under management quota. Initially the petitioner was not a party to the writ petition in W.P.No.22812/2014, which was filed questioning the validity of Rule 3 (vi) and 4(v)(a) of the Andhra Pradesh Un-aided Non Minority Professional Institutions (Regulation of Admission into Postgraduate Medical and Dental Professional Courses/Super Specialty Courses) Rules, 2013 in so far as fixing 15 weightage to the interview and to declare the same as illegal and for a consequential direction to consider the case of the writ petitioners for giving admission in P.G. Medical Courses under management quota for the academic year 2014-15. This court by order dated 24.10.2014 disposed of the writ petition and the relevant portion of the order is as under:

“17. Having regard to the averments made in the affidavit of the 4th respondent – College and following the aforesaid decision of the Hon'ble Supreme Court in Mridula Dhar case {(2005)2 SCC 65} and also the decision of a Division Bench of this Court in Writ Petition No.17918 of 2014, rendered on 25.09.2014, we direct respondent No.4/NRI Medical College, Chinakakani, Guntur District, to consider the case of petitioner No.2/Dr.Alamaddi Vinusha and petitioner No.9/Dr. D.M.Sneha Reddy for admission into M.D. (Pediatrics), petitioner No.3/Dr.Tajaswi Jallepalli and petitioner No.4/Dr.Yellaturi Siva Roja for admission into M.D. (General Medicine) under management quota seats for the academic year 2014-15 subject to the undertaking given by the 4th respondent / NRI college that it will forgo the said seats in the subsequent academic year i.e., 2015-16. It is needless to observe that consideration of the case of the aforesaid petitioners for admission into the aforesaid courses is subject to the approval by the 2nd respondent / Dr. NTR University of Health Sciences with regard to the eligibility of the candidates.”

3. The petitioner in this contempt case was impleaded in the writ petition as petitioner No.10 by virtue of the order dated 7.11.2014 in WMP.No.41854 of 2014 in W.P.No.22812/2014. The relevant portion of the order dated 7.11.2014 is extracted as under:

"It is represented that in addition to the four petitioners named in the above paragraph, two other candidates namely Dr.P.Reshma, M.S. (General Surgery and Dr.S.Sai Rekha, M.S. (Ophthalmology) were already found eligible to be admitted, however, since their names are not mentioned in the operative portion of the order and in the merit list of the 4th respondent – College, the 2nd respondent – University is refusing to consider their cases.

In the aforesaid circumstances, we hereby clarify that the four petitioners named in para-17 of the aforesaid order dated 24.10.2014 are to be admitted over and above the sanctioned in take of the college and the two other candidates namely Dr.P.Reshma, M.S. (General Surgery) and Dr. S.Sai Reka, M.S. (Ophthalmology) are also eligible to be admitted into the courses, if they satisfy the eligibility criteria and rule of merit, provided their admissions are within the sanctioned in take quota of the college. The 2nd respondent – University is directed to take appropriate steps in the matter."

4. Complaining that the respondents failed to provide admission in P.G. Medical Course in 2nd respondent – NRI Medical College, the impleaded petitioner No.10, filed the present contempt.

5. The Principal of the 2nd respondent – College filed counter affidavit, the tenor of which is that the application of the petitioner was not received within time stipulated and as her name does not find place in the list sent by the principal of the NRI College to the University, her case could not be considered for allotment of set in P.G. Medical Admission in the NRI College. Therefore, the contempt was sought to be dismissed.

6. No reply has been filed by the petitioner.

7. This court in the orders dated 24.10.2014 and 7.11.2014 directed the respondents to consider the case of the petitioner for admission into post graduation medical courses, subject to the approval by the 2nd respondent / Dr. NTR University of Health Sciences with regard to the eligibility of the candidates. As per the detailed counter affidavit filed by the Principal of the College, it could be seen that the petitioner completed her Rotary Internship by 27.3.2014 and the date stipulated for submission of the application for admission into post graduation medical courses as prescribed by Medical Council was 28.3.2014 and, therefore, the claim of the College is that as the application was not submitted within the stipulated date and therefore, the University has not considered her name, as her name do not find place in the list sent by the Principal of the college. Having regard to the averments made in the counter affidavit filed by the 2nd respondent, we do not find any willful disobedience of

the order passed by this court.

8. The contempt case is accordingly dismissed. No costs.

9. Miscellaneous petitions pending if any, shall stand closed.

G.CHANDRAIAH,J

M.S.K.JAISWAL,J

AVS

Date:11—03—2016