

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT PETITION Nos. 31499 and 31809 of 2016

COMMON ORDER: (*Per VRS,J*)

The petitioners in both these writ petitions appeared for NEET-2016 seeking admission to under graduate medical courses for the academic year 2016-2017 in Unaided Private Non-Minority Educational Institutions. After finding that the Association of Managements of Private Unaided Non-Minority Educational Institutions were not following the Presidential Order, 1974 for admission of students to category-B seats, the petitioners have come up with the above writ petitions seeking two sets of reliefs, namely, (a) to direct the Convener for Admissions to follow the Presidential Order even for category-B seats, and (b) to hold second and subsequent counsellings, whenever any seats are left unfilled in the first round of counselling.

2. Heard the learned counsel for the petitioners. The Government Pleaders for the States of Telangana as well as Andhra Pradesh take notice, Mr. Taddi Nageswara Rao, learned standing counsel for Dr.NTR University of Health Sciences, takes notice, Mr. A. Abhishek Reddy, learned counsel, takes notice for the Convener for Admissions,

and Mr. P. Srinivasa Rao, learned counsel, takes notice for the Association of Managements of Private Medical and Dental Colleges.

3. Insofar as the first relief sought in these writ petitions is concerned, we have already decided in W.P.Nos.29716, 30106 and 30540 of 2016 on 21.09.2016 that the Presidential Order, 1974 has no application for admission to category-B seats. But insofar as the second relief is concerned, it appears that the seats left unfilled under category-B, are filled up by the individual Managements under category-C. In other words, these seats are converted into NRI seats by the colleges. However, if such a course of action is permitted, the cap fixed by the Supreme Court for NRI quota will far exceed 15%. Therefore, the petitioners are right in demanding that these seats should be filled up as far as possible, by holding a second counselling. Only if candidates are not available in the second counselling, the colleges may take recourse to other alternatives. If they do not do so, it will be a violation of the judgment of the Supreme Court fixing the cap for NRI quota.

4. With these observations, both the Writ Petitions are disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions if any pending in the writ petitions shall stand dismissed.

V. RAMASUBRAMANIAN, J

ANIS, J.

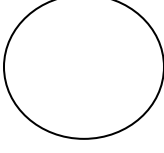
22nd September, 2016

Note: Furnish C.C. in two days.

(b/o)

cbs





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