

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND STATE OF ANDHRA PRADESH

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

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THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.23509 of 2016

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Dated: 26.07.2016

WRIT PETITION No.23509 of 2016:

BETWEEN

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Kum. Tambi Subhoday, D/o. Tambi Ramachandraiah,
Minor rep. by father and natural guardian Tambi Ramachandraiah,
R/o.16-13-152, 4th lane, Pinakini Street, Harinathapuram,
Nellore, SPSR Nellore District.

...PETITIONER

AND

State Council of Andhra Pradesh, Govt. of Andhra Pradesh,
A.P. EAMCET-2016 (Admissions) Bi.P.C. Stream,
Rep. by its Secretary, 6-2-910, 11 Floor, IEI New Building,
Visvesvarayya Bhavan, Khairatabad, Hyderabad and others.

... RESPONDENTS

THE HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE

&

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.23509 of 2016

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PC: (Per Hon'ble the Acting Chief Justice Dilip B.Bhosale)

Heard Mr. D.V. Nagarjuna Babu, learned counsel for petitioner; Mr. T. Rajasekhar Rao for respondents 2 to 4 and Mr. Taddi Nageswara Rao for respondent No.7.

2. The petitioner, who is hardly 16 years old student, through her father, seeks the following relief in the writ petition:

“For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Honourable Court may be pleased to issue a writ or order of direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in insisting upon the petitioner to produce fresh social status certificate for admission into MBBS, BDS, Pharm-D, etc., Course for the academic year 2016-17 as highly illegal, arbitrary, unjust and contrary to Section 4 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificate Act, 1993 read with Rule 16 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.”

3. Learned counsel for petitioner, at the outset, submits that though petitioner appeared for EAMCET-2016 for seeking admission for one of the courses including MBBS, BDS, Pharm-D etc., he has instructions to submit that she would not claim seat for MBBS/BDS since her score is less than 64 marks. He, however, submits that her claim for admission may be considered for other courses, if she is otherwise eligible on the basis of the marks secured by her and on the basis of original Community, Nativity and Date of Birth Certificate issued by the concerned authority in 2007.

4. It appears that the above certificate was issued by the concerned authority under the provisions of the Andhra Pradesh (SC, ST and BCs) Regulation of Issue of Community Certificate Act, 1993. Genuineness of the certificate is not in dispute.

In view thereof, we dispose of the writ petition issuing direction to the respondents to consider the petitioner's claim for admission to other courses, if she is otherwise eligible on the basis of her score in EAMCET-2016 and the original Community, Nativity and Date of Birth Certificate issued by the competent authority. While disposing of this writ petition, we shall not be understood to have relaxed any eligibility criteria for considering

her case for admission to any course covered by EAMCET-2016.
Consequently, the miscellaneous applications, if any pending, shall stand closed.

DILIP B.BHOSALE, HACJ

A.V. SETHA SAI, J

July 26, 2016

Note: Furnish C.C. by 27.07.2016.

(**B/o**) DSK