

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.33071 of 2016

Order: (per V.Ramasubramanian, J.)

The petitioner came up with a writ petition seeking a direction to the respondents to treat him as a local candidate.

2. On 30-9-2016, we passed an interim order to the following effect:

“Heard Mr. Jalli Kanakaiah, learned counsel appearing for the petitioner.

Mr. A.Prabhakar Rao, learned counsel, takes notice for the respondents 3 and 4.

The only question that arises in this writ petition is as to whether the petitioner, whose father hails from the State of Telangana and whose father is employed in Food Corporation of India, could be considered as a local candidate in terms of para 4 of the Presidential Order, 1974 for admission to medical courses for the academic year 2016-17 or not.

The petitioner studied Classes 1 to 4 within the local area of Osmania University area, Classes 5 to 7 in Nellore District, Classes 8 and 9 in Madhya Pradesh and Classes 10 to 12 in Telangana.

According to Mr. A.Prabhakar Rao, learned Standing Counsel for the University, the petitioner will not come within the parameters of sub-para (1) of sub-para (2) of para 4 of the Presidential Order, 1974. But it appears from the decision of a Division Bench of this Court in **The Tahsildar, Hyderabad Urban Taluk, Hyderabad v. T.Venkata Reddy** (AIR 1976 ANDHRA PRADESH 408) and **Chairman, University of Health Sciences v. K.Tulasiram** [1996(3) ALD 1031 (D.B.)] that the balance tilts in favour of the petitioner. Therefore, the petitioner is entitled to an interim order.

It appears that the petitioner has been granted admission to an insignificant institution, as against the unreserved seats available in the Osmania University local area. The counseling is said to have been completed yesterday.

Therefore, we pass a limited interim order directing the University to treat the petitioner as a local candidate in Osmania University area, if any seat falls vacant.

Post on 19-10-2016.”

3. Today, Mr. A.Prabhakar Rao, learned counsel for the University, submitted that even after treating the petitioner as a local candidate, he did not come within the zone of consideration. It appears that the petitioner who belongs to the Scheduled Tribes, secured a rank of 23271. The last local candidate belonging to the Scheduled Tribes who got admission, secured a rank of 6065. Therefore, no relief can be granted to the petitioner. Hence, the writ petition is dismissed. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

G.SHYAM PRASAD, J.

24th October, 2016.

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HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

Writ Petition No.33071 of 2016
(per VRS, J.)



24th October, 2016.
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