

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

Writ Petition No.36033 of 2016

ORDER: (per V. Ramasubramanian, J.)

The petitioner secured sufficiently high marks in (TS) EAMCET-III 2016 held on 11-09-2016 and even in the first counselling, she was allotted to the Government Medical College, Mahabubnagar, who is the 3rd respondent herein. Admittedly, the petitioner joined the 3rd respondent college, paid the fees and also submitted the original certificates.

2. Thereafter, she was enticed by the seat said to have been available in the 4th respondent, which is also a Government College, Adilabad and she logged on to the website for counselling. This satanic excitement ultimately led to the petitioner not being permitted to continue her studies in the 3rd respondent college on the ground that she already lost her seat in the 3rd respondent college. In the 4th respondent college she could not gain admission. Therefore, she has come up with the present writ petition seeking a mandamus.

3. Heard Mr. V. Sree Ranga Rao, learned counsel for the petitioner, Mr. S. Vivek Chandra Sekhar, learned standing counsel for the Medical Council of India and Mr. A. Prabhakar Rao, learned counsel for the 2nd respondent University.

4. On 26-10-2016, when the writ petition came up for orders as to admission, we passed the following order:

“This is an unfortunate case of a meritorious student, who was admitted to the Government Medical College, Mahabubnagar,

which is the 3rd respondent, in the first phase of counselling, but who made an attempt to get into the 4th respondent college, which was perceived by her to be a better college, and who ultimately lost from both the colleges.

Upon instructions, Mr. A. Prabhakara Rao, learned standing counsel for the University, submitted that the seat claimed by the respondents to have been vacated by the petitioner from the 3rd respondent college, is still vacant. But the University is not able to upload the particulars, since the website of the Medical Council of India is now closed.

Therefore, we *suo motu* implead the Medical Council of India (MCI) as a party to this writ petition.

Office to carryout the necessary amendment and print the name of Mr. Vivek Chandra Sekhar, learned counsel for MCI.

The counsel for the petitioner shall serve the papers on the counsel for the MCI.”

5. Today, it is submitted by Mr. Vivek Chandra Sekhar, learned counsel for the Medical Council of India, that the only impediment in the way of the petitioner might be the closure of admission, as per the deadline fixed by the Supreme Court. But in the case on hand, the petitioner was already admitted to the 3rd respondent college much before the last date, she paid the fees, submitted the original certificates and became a student of the 3rd respondent college before the last date. Therefore, this is not a case where a person who never gained any admission, knocking at the doors of the Court after the expiry of the deadline.

Hence, the writ petition is allowed directing the 3rd respondent-college to allow the petitioner to continue her studies. The 2nd respondent-University is directed to upload the admission of the petitioner and the 5th respondent-Medical Council of India is directed to approve the said admission.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 02-11-2016

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