

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

[Special Original Jurisdiction]

FRIDAY THE THIRTEENTH DAY OF OCTOBER, 2016

PRESENT
HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 34074 OF 2016

Between:

S. Sri Rukmini & Anr.

... Petitioners

V/s.

The State of Telangana,
Rep. by its Prl. Secretary,
Medical & Health Department
Secretariat Building,
Hyderabad & Ors.

... Respondents



Counsel for the Petitioner:

Sri L. Prabhakar Reddy

Counsel for the Respondents:

GP for Medical Health & FW [TG]
Sri A.Prabhakar Rao
GP for Medical Health & FW [AP]

The court made the following:

[order follows]

HONOURABLE SRI JUSTICE SURESH KUMAR KAITWRIT PETITION NO. 34074 OF 2016ORDER :

Vide the present writ petition, petitioners seek direction thereby directing the respondents to make admissions into MD [Homeo] Courses in JSPS Government Homeo Medical College, Ramanthapur, Hyderabad, by treating it as Non-State wide Educational Institution as per Para No.5 of A.P. Educational Institutions [Regulation of Admissions] Order 1974, popularly known as “Presidential Order”.

2. In the writ affidavit filed in support of the petition, it is stated by the petitioner that the petitioners were admitted into Homeo Medicine and Surgery Course in J.S.P.S. Government Homeo Medical College, Ramanthapur, Hyderabad for the academic year 2010-11. The duration of the said course of study is 4 ½ years and one year internship. The petitioners have successfully completed the Bachelor of Homeo Medicine and Surgery including internship of one year. The petitioners are preparing for the entrance examination for

admission into M.D. [Homeo] Course in J.S.P.S. Government Homeo Medical College, Ramanthapur, Hyderabad. However the respondent No.4 issued notification dated 26/9/2016 for conduct of online entrance examination scheduled to be held on 18/10/2016 for admission into M.D. [Homeo] Course. There are 30 seats in seven branches. There were only six seats each in three branches before bifurcation of the State of Andhra Pradesh into State of Telangana and State of Andhra Pradesh. 12 seats in four branches were sanctioned by the Central Government in fifth respondent-college subsequent to the formation of State of Telangana.

3. The respondents have been making admissions into M.D. [Homeo] Courses by treating the fifth respondent-college as State Wide Educational Institution. The President of India by exercising powers conferred by clause [1] [2] of Article 371-D of the Constitution of India issued an order known as “A.P. EDUCATIONAL INSTITUTIONS [REGULATION OF ADMISSIONS] ORDER, 1974”. Para No.2 [e] of the same defines State Wide Educational Institution

means “an educational institution or a departmental institution specified in the scheduled to this order”. Para No. 2 [f] defines State Wide University means A.P. Agricultural University constituted under Andhra Pradesh Agricultural University Act, 1963 or Jawaharlal Nehru Technological University constituted under Jawaharlal Nehru Technological University Act, 1972. Para No. 3 [1] of the Presidential Order postulates local area. The part of the State comprising the districts of Srikakulam, Visakhapatnam, West Godavari, East Godavari, Krishna, Guntur and Prakasham shall be regarded as “local area” for the purpose of admissions to Andhra University, Nagarjuna University and to any other educational institutions other than State wide University or State wide Educational Institutions, which are the subject to the control of the State Government and are situated in that part.

4. Para No. 3 [2] of the Presidential Order postulates local area. The part of the State comprising the districts of Adilabad, Hyderabad, Karimnagar, Khammam, Mahaboobnagar, Medak,

Nalgonda, Nizamabad and Warangal shall be regard as “local area” for the purpose of admissions to Osmania University, Kakatiya University and to any other educational institutions other than State wide University or State wide Educational Institutions, which are the subject to the control of the State Government and are situated in that part.

5. Para No. 3 [3] of the Presidential Order postulates local area. The part of the State comprising the districts of Ananthapur, Kadapa, Kurnool, Chittoor and Nellore shall be regarded as “local area” for the purpose of admissions to Sri Venkateswara University and to any other educational institutions other than State wide University or State wide Educational Institutions, which are the subject to the control of the State Government and are situated in that part.

6. Learned counsel appearing on behalf of the petitioners submits that the respondents in contrary to the provisions of the Presidential Order are making admissions of available seats in M.D.

[Homeo] Course in the fifth respondent-college by applying Para No.6 of the Presidential Order, whereby treating the said College as State wide educational institution. The fifth respondent-college is not a State wide Educational Institution. The admission into available seats in M.D. [Homeo] Course in fifth respondent-college have to be made by applying Para No.5 of the Presidential Order.

7. Sri A. Prabhakar Rao, learned Standing Counsel appearing on behalf of respondent No.4 categorically stated on instructions that the fifth respondent-college is not mentioned in the schedule annexed to the Presidential Order, therefore, Para No.5 of the Presidential Order is aptly applicable not Para No.6 of the Presidential Order.

8. In view of the averments made in the writ affidavit filed in support of the petition, submissions of the learned counsel appearing for the petitioners and the statement made by Sri A.Prabhakar Rao, learned Standing Counsel appearing for the respondent No.4, the issue raised in this writ petition does not survive.

9. Accordingly, I hereby direct the respondent No.4 to apply Para No.5 of the Presidential Order in the fifth respondent-J.S.P.S. Government Homeo Medical College, Ramanthapur, Hyderabad, for the purpose of admissions into M.D. [Homeo] Courses for the academic year 2016-17.

10. With the above direction, the writ petition is disposed of at the admission stage, in view of the statement made by the learned Standing Counsel appearing for the respondent No.4-Sri Kaloji Narayana Rao University of Health Sciences, Warangal, Warangal district. No costs.

11. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE SURESH KUMAR KAIT.

14/10/2016
I s L

N B : Furnish CC today.
B/o I s L.

N B: MOST URGENT ISSUE C.C.TODAY
M.D. [Homeo] Admissions matter for the
academic year 2016-17.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT

WRIT PETITION NO. 34074 OF 2016

