

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT APPEAL No. 405 of 2016

and

**WRIT PETITION Nos. 16441, 16498, 16788, 16789, 19157, 19505,
19627, 20048, 20044 and 19879 of 2016**

COMMON ORDER: (*Per VRS,J*)

In this batch of cases, we passed a detailed interim order on 13.07.2016, the operative portion of which reads as follows:

“In view of the above, an interim direction is issued to the respondents to open up one last counselling to be conducted on 23.07.2016 for filling up of seats that are remaining vacant, either due to non-allotment or due to allotment not being taken by the allotted candidate or due to the allotted candidate taking the seat and not reporting or due to the allotted candidate joining and leaving by this time for better prospects or better course. There shall be one counselling conducted by Dr. NTR University of Health Sciences for filling up these seats. An advertisement, in this regard, shall be published in the same manner as they have done in the past in Newspapers and also in the web sites of the Universities.

Though there are some seats already converted from service category to non-service category, this had been done at the end of the 3rd round of counselling itself. We do not have the break-up of the seats available in each of the disciplines of every post-graduate degree or diploma course. Therefore, today it may be impossible to segregate the service seats and non-service seats among the seats that are now lying vacant. Therefore, we permit the respondents to conduct one counselling on 23.07.2016 in common for both categories.”

2. It appears that the Medical Council of India carried the matter on appeal to the Supreme Court in SLP (Civil) No.19633 of 2016.

The special leave petition was disposed of by the Supreme Court, by an order, dated 08.09.2016. The operative portion of the order of the Supreme Court reads as follows:

“We cannot be oblivious of the plight that the two States have faced and the in-service and the direct applicants are facing in praesenti. Various grievances have been raised. We take note of the fact that 86 seats in the State of Andhra Pradesh and 32 seats in the State of Telangana are available in the Government colleges in both the States. Having regard to the facts and circumstances of the case, we direct that the University(s) that conducted the last counseling shall conduct a counseling within two weeks hence after giving due publicity. A student who has already taken admission will not be eligible to participate in this counseling. Needless to say, the University shall follow the procedure as provided in the admission brochure/prospectus. We further say that the vacant seats are meant only for Government colleges and Universities. We repeat at the cost of repetition that we have passed this order in the special features of the case.”

3. Dr. NTR University of Health Sciences, which conducted the first counselling, has to conduct a counselling now, in accordance with the directions of the Supreme Court extracted above. Once the University conducts a counselling for the seats left unfilled in the Government colleges, the order of the Supreme Court will stand satisfied and, thereafter, nothing will survive for adjudication in these cases.

4. Therefore, directing the Dr. NTR University of Health Sciences to comply with the order of the Supreme Court, by holding a fresh counselling only for filling up the seats remaining vacant, either due to non-allotment or due to allotment not being taken by the allotted

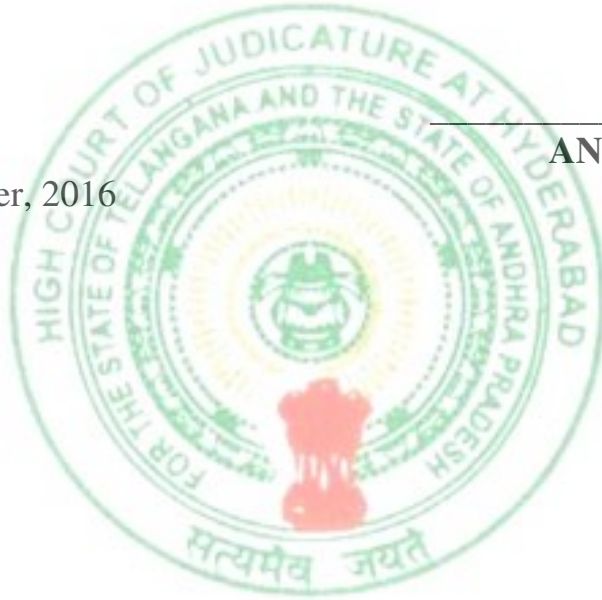
candidate or due to the allotted candidate taking the seat and not reporting or due to the allotted candidate joining and leaving, insofar as the Government colleges alone are concerned, all the Writ Petitions and the Writ Appeal are closed.

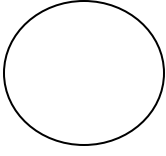
Consequently, miscellaneous petitions if any pending in the writ petitions and the writ appeal shall stand dismissed. There shall be no order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

22nd September, 2016
cbs





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