

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

WRIT PETITION No.34791 of 2016

Between:

Panthya Swathi Bai

PETITIONER

And

1. The State of Andhra Pradesh, Department of Higher Education, rep.
by its Principal Secretary, and others.

RESPONSENTS



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

WRIT PETITION No.34791 of 2016

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

This is an unfortunate case of a student aspiring for admission to undergraduate medical courses, attempting to shift options at the last minute, and thereby losing a seat even in the college to which she was lawfully allotted.

2. Heard Mr. R. Harish Kumar, learned counsel for the petitioner, Mr. Taddi Nageswara Rao, learned counsel for the University, Mr. S. Viveka Chandra Sekhar, learned counsel for the Medical Council of India and Mr. G. Ramesh Babu, learned counsel for the 6th respondent.

3. The submissions contained in paragraph Nos.6 and 7 of the affidavit filed in support of the writ petition, are sufficient to dispose of the writ petition. As per these averments, the petitioner was allotted a seat in the 6th respondent-college and a communication dated 09.08.2016 granting her provisional admission was issued. The 6th respondent issued admission card on 12.08.2016 and the petitioner paid the fee and joined the course on 12.08.2016. She also availed the hostel facility and started attending the college from 18.08.2016.

4. But by a satanic lure in the form of a second phase of web counselling, which was opened on 23.09.2016, the petitioner was enticed to opt for a better college. The submissions in Para-7 of the affidavit read as follows:

“Submit that while that being so, the 2nd respondent has given a notification for 2nd phase of counselling on 23.09.2016, I was advised that I may get into government college if I participate in the web counselling in the 2nd phase and as I have no access to the internet, I asked my sister to go to internet centre and give options in web counselling to any Government

Medical College, my sister by mistake has opted for 7th respondent college. On the date of counselling the 7th respondent college has contacted me over the phone about whether I am willing to join their college, as I already got admission into a private college. On 27.09.2016 I received a message that my seat got cancelled in 7th respondent college. Even after that I have attended classes in 6th respondent college and my name was appearing in the notice board and I even approached for availing scholarship and on 29.09.2016, the 6th respondent college has issued me scholarship form. I submit that on 01.10.2016 to my utter surprise the 6th respondent authorities have informed me that my seat got cancelled with their college, I immediately approached the principal and principal of the 6th respondent college advised me to contact the 4th respondent. The 4th respondent advised me to give representation and accordingly I gave representation on 03.10.2016 and 4th respondent assured me that I will have my seat and advised me to participate on the last phase of the web counselling on 07.10.2016. However thereafter the 2nd respondent has not given my seat and the 6th respondent has not allowed me to attend the classes. Thereafter also I contacted the 4th respondent but all my efforts went in vain.

5. Unfortunately, the instructions to candidates attending web counselling make it clear that the moment they exercise an option for a particular college, the web options will shut down for all other options. Therefore, the moment the petitioner's sister, who should not have been sent for the web counselling, opted on 23.09.2016 to the 7th respondent college, the admission of the petitioner to the 6th respondent college would have been cancelled automatically by the system.

6. Today, there are no seats in the 6th respondent as well as the 7th respondent colleges. Therefore, no relief can be granted to the petitioner. Therefore, the writ petition is dismissed. As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

16th November, 2016
Js.

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

WRIT PETITION No.34791 of 2016



Date: 16-11-2016

Js.