

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

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice ABHINAND KUMAR SHAVILI

WRIT PETITION No.28704 OF 2017

Between:

Seelam Nikhila D/ o. Benjamin
Aged about 20 years, Occ: Student,
R/ o. 1-5-433/ 1, Ayyappa Colony,
Old Alwal, Hyderabad.

...Petitioner

Vs.

Union of India,
Ministry of Health & Family Welfare,
A Wing, Nirman Bhavan, Maulana Azad Road,
New Delhi, Rep. by its Secretary and others.

... Respondents

For Petitioner : Sri M. Ramakrishna Reddy

For Respondents : Sri B. G. Ravindra Reddy



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28704 OF 2017

ORDER: (per V. Ramasubramanian, J)

The petitioner came up with the above writ petition challenging the refusal on the part of the respondents to permit the petitioner to change her group from Group-II to Group-I.

2. Heard Sri V. Ramakrishna Reddy, learned counsel for the petitioner and Sri B.G. Ravindra Reddy, learned Standing Counsel for respondents 6 and 7.

3. Due to over sight the petitioner applied under the category of Ward of Insured Persons Group-II instead of Group-I. Therefore, her case was not considered.

4. On 24.08.2017, we passed an interim order to the following effect, while ordering notice in the writ petition:-

“By a typographical mistake, the petitioner applied under Group-II instead of Group-I. Though technically the respondents are right, the right conferred upon the petitioner cannot be foregone due to this mistake. If the petitioner's father has contributed for a period of five years to be eligible to come under the Group-I, the typographical mistake should not be put against the petitioner.

Therefore, there will be an interim direction to the respondent to consider the petitioner to Group-I, at least in the next phase of counselling.”

5. Today it is submitted that the petitioner has been granted admission to the ESI Medical College. Therefore, virtually nothing survives for adjudication in the writ petition.

6. However, it appears that the order of admission shows that the same will be subject to the outcome of the writ petition. Therefore, we are also obliged to make an observation on the merits.

7. It is seen from the affidavit in support of the writ petition that the petitioner is eligible for being considered under the quota reserved for 'Ward of Insured Persons.' When the first round of counselling began on 05.07.2017, the petitioner registered her name. But, instead of indicating Group-I, she indicated Group-II. Therefore, despite the petitioner coming within the zone of consideration, she was not granted admission in the first phase of counseling.

8. The mistake was a *bonafide* mistake and can be condoned. Now that the petitioner has secured admission on her own merit, the admission cannot be disturbed. Therefore, the writ petition is disposed of directing the respondents to regularize the admission granted to the petitioner.

9. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

ABHINAND KUMAR SHAVILI, J

October 12, 2017
KTL