

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos. 21369 of 2015 and 14823 of 2017

COMMON ORDER:

Even after two years, no counter-affidavit is filed by the respondents. Since future of the student is involved and in order to clear the doubt about the continuance of the petitioner, these writ petitions are taken up and disposed of by this common order.

The petitioner passed Intermediate Examination conducted by the Board of Intermediate in May, 2012 and obtained 556 marks out of 1000 marks. She got admission on 29.11.2014 in 1st year B.U.M.S. Course in respondent No.2-College for the academic year 2014-15. Respondent No.2-College was affiliated to respondent No.1-University. She obtained 49.66% in Physics, Chemistry, Biology and English taken together as she got 298 out of 600 marks. When she was not permitted to attend the classes for the 1st year, she filed W.P.No.21369 of 2015 challenging the letter of discharge, dated 20.06.2015. When she was not allowed to attend the 2nd year annual examination of B.U.M.S. Course, she filed W.P.No.14823 of 2017.

In W.P.No.21369 of 2015, this Court by order, dated 13.07.2015, permitted the petitioner to attend the classes for the 1st year B.U.M.S. Course for the academic year 2014-15 by suspending the letter, dated 20.06.2015 on the ground that

49.66% of marks obtained by the petitioner should have taken as 50%, which is required for admission.

Learned counsel for the petitioner submits that as per G.O.Ms.No.131, dated 25.04.2008, the selection procedure for A.P. Unaided Non-Minority AYUSH Medical Colleges is regulated. The said G.O. was subsequently amended by G.O.Ms.No.30, dated 25.10.2014.

As per G.O.Ms.No.131, dated 25.04.2008, the management seats shall be filled by the individual colleges in the order of merit in a transparent manner. The college shall scrutinise all the applications received in respect of the eligibility in Biology, Physics and Chemistry subjects in 10 + 2 Course and other eligibility as specified by Dr. NTR University of Health Sciences or statutory bodies concerned. The University has to verify the merit list and grant approval. The University communicated a list of eligible candidates by its proceedings, dated 04.06.2015, and the name of the petitioner was shown as not eligible under the management quota on the ground that she obtained 49.66%, which is less than 50%. If the petitioner got 49.66%, that percentage of marks should have been rounded off to nearest figure i.e. 50% and hence, the proceedings of respondent No.1 declaring the petitioner as ineligible on the ground that she did not secure 50% of marks cannot be sustained.

As per the interim order passed by this Court, the petitioner has been pursuing the Course for the last three years. In view of irregularity in the communication issued by respondent No.1 and in view of continuance of the petitioner for the last three years in B.U.M.S. Course, these writ petitions are allowed and the petitioner is permitted to prosecute her course uninterruptedly by allowing her to attend the classes and examinations and the respondents for declaration of results also.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

Dt:14.09.2017

kdl

A.RAMALINGESWARA RAO,J



