

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

*** HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT JUSTICE T. RAJANI**

+WRIT PETITION No.24529 of 2017

%Date: 31-07-2017

#Between:

A. Krishna Nag, (NEET Roll No.900300294)
S/o. A. Jagannadha Prasad, R/o. H.No.216,
Prakasam Road, Tirupathi, Chittoor District,
Rep. by natural guardian and father
A. Jagannadha Prasad.

... Petitioner

And

1. State of Andhra Pradesh rep. by its Principal Secretary, Higher Education Department, Secretariat Buildings, Velagapudi, Guntur District.
2. Dr. N.T.R. University of Health Sciences, Andhra Pradesh, Vijayawqada, rep. by its Registrar.
3. Convenor, National Eligibility-cum-Entrance Test (UG) 2017, Medical Enclave, Ansari Nagar, Ring Road, New Delhi - 110029

... Respondent

! Counsel for the Petitioner : Mr. Ravi Kondaveeti

^ Counsel for the Respondent : Mr. Taddi Nageswara Rao

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? Cases referred

HONOURABLE MR. JUSTICE V.RAMASUBRAMANIAN

And

HON'BLE SMT JUSTICE T. RAJANI

WRIT PETITION No.24529 of 2017

ORDER: (Per VRS,J)

The petitioner, who studied from 1st standard to 10th standard in the State of Andhra Pradesh, but who studied two years higher secondary course in the State of Tamilnadu, has come up with the present writ petition questioning the action of the respondents in not treating him as a local candidate for the purpose of reservation under the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974.

2. Heard Mr. Ravi Kondaveeti, learned counsel for the petitioner and Mr. Taddi Nageswara Rao, learned Standing Counsel appearing for the university.

3. The facts are not in dispute. The petitioner has studied in Tirupati in Chittoor District in the State of Andhra Pradesh upto class 10. The higher secondary course (+2) was undergone by him in Sriperumpudur in the State of Tamilnadu. According to the petitioner, the petitioner is a sports person and the very purpose of joining a school in Sriperumpudur was to attain excellence in sports and that the State of Andhra Pradesh itself recognised him as an eminent sports person.

4. Therefore, the question is as to whether the petitioner is entitled to be treated as a local candidate within the meaning of para 2 (1)(c) of the A.P. Educational Institutions (Regulation of Admissions) Order, 1974 or not.

5. The expression local candidate is defined in para 2(1)(c) of the Presidential Order, to mean a candidate, who is qualified under para 4 of the Order, as a local candidate in relation to a local area. Paragraph 4 of the Presidential Order contains two limbs. The first limb of paragraph 4 prescribes that if a person has studied in an educational institution, in a particular local area, for a period of not less than four consecutive years ending with an academic year in which he appeared in the relevant qualifying examination, he will be regarded as a local candidate. For this first limb, there is also an exception provided in

Clause (b) of para 4(1). As per this exception, even if a person has resided in the local area for a period of not less than four years, immediately preceding the date of commencement of the relevant qualifying examination, he may be treated as a local candidate, despite such candidate not having studied for a period of four consecutive years ending with the academic year in which he appeared for the relevant qualifying examination in the local area.

6. The second limb of paragraph 4 of the Presidential Order addresses the question as to what happens if a person has studied in different local areas within the State. The second limb of para 4, as found in para 4 (2), may be usefully extracted as follows:

“4 (2) A candidate for admission to any course of study who is not regarded as a local candidate under sub-paragraph (1) in relation to any local area shall –

- (a) if he has studied in educational institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination regarded as a local candidate in relation to –
 - (i) such local area where he has studied for the maximum period out of the said period of seven years; or
 - (ii) where the periods of his study in two or more local areas are equal, such local area where he has studied last in such equal periods; or
- (b) if, during the whole or any part of the seven consecutive academic years ending with the academic year in which he appeared or, as the case may be, first appeared for the relevant qualifying examination, he has not studied in the educational institutions in any local area, but has resided in the State during the whole of the said period of seven years, be regarded as a local candidate in relation to –
 - (i) such local area where he has resided for the maximum period out of the said period of seven years; or
 - (ii) where the periods of his residence in two or more local areas are equal, such local area where he has resided last in such equal periods.

7. As could be seen from para 4 (2) extracted above, a person, who is not treated as a local candidate under para 4(1), may still be considered as a local candidate, if he satisfied the following conditions:

- (1) that he studied in an educational institution in the State for a period of not less than seven consecutive academic years ending with the academic year in which he appeared for the relevant qualifying examination.
- (2) That even if he has not studied for a period of seven consecutive academic years in the local area, he may be considered as a local

candidate if he has resided in the State during the whole of the period of seven years.

8. But the underlying requirement of para 4(2) is that the study or residence should be in the State. As a matter of fact, the object of para 4 (2) was to ensure that a candidate, who studied in different local areas within the State, does not suffer any hardship, on account of not fulfilling the criteria of four consecutive years of study or residence. This can be illustrated with an example.

9. The erstwhile State of Andhra Pradesh was trifurcated into three local areas, namely, Andhra University area, Osmania University area and Sri Venkateswara University area. The candidates were identified as belonging to a particular area depending upon the prescriptions contained in para 4. in case where a candidate had studied for two years in Andhra University area, four years in Osmania University area and three years in Sri Venkateswara University area, in the preceding 9 years, the question of how he/she should be treated is what is addressed in para 4 (2). Para 4(2) has no application to a candidate, who did not study in the State but studied in another State.

10. Mr. Ravi Kondaveet, learned counsel contended that the prescription contained in clause (i) of para 4(2)(a) should be read together with Clause (a). Even if done, the requirement that he/she should have studied "in the State", should first be satisfied. So long as that is not satisfied, it is not possible to treat the petitioner as a local candidate. Therefore, the writ petition is devoid of merits. Hence it is dismissed.

11. As a sequel, miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

V.RAMASUBRAMANIAN, J.

T. RAJANI, J.

Js.
31st July, 2017.

**HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SMT JUSTICE T. RAJANI**

W.P.No.24529 of 2017

(Per VRS,J)



31st July, 2017

Js.