

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.28690 of 2017

Order: (per V.Ramasubramanian, J.)

The petitioner came up with the above writ petition, challenging a notice for the third round of counselling called mop-up counselling issued by the ESI Corporation, permitting only those candidates who were allotted BDS course for the first time in the second round of counselling.

2. Heard Mr. Kiran Kumar Vadlamudi, learned counsel for the petitioner and Mr. B.G. Ravinder Reddy, learned Standing Counsel for the ESI Corporation.

3. The petitioner was allotted a seat in the first round of counselling to BDS course. She wanted to take a chance in the second and third rounds of counselling for a seat in MBBS course. But the notice dated 22-8-2017 permitted only those who were admitted to BDS course in the second round of counselling. Aggrieved by the prohibition in respect of candidates who got admitted to BDS course in the first round of counselling, the petitioner came up with the above writ petition.

4. On 24-8-2017, this Court passed an interim order to the following effect:

“Heard the learned counsel for the petitioner.

Mr. B.G. Ravinder Reddy, learned counsel, takes notice for the ESI Corporation.

In the mop up counseling notice issued on 22.08.2017, the ESI Corporation has indicated that the third counseling will be confined only to those candidates allotted BDS seats for the first time in the second round of counseling. The petitioner has secured a higher rank, but she was only allotted BDS seat in the first round of counseling. A person securing allotment of BDS seat in the second round of counseling will naturally be lower in rank than the person securing admission for BDS in the first round of counseling.

Therefore, the respondents are directed to go according to merit and give opportunity even to those allotted BDS seats in the first round of counseling. In other words, the petitioner may be called for third mop up counseling.

Post after two (2) weeks.”

5. It is represented by the learned counsel for the petitioner that the petitioner was allotted a seat in MBBS course in ESI Corporation Medical College, Sanathnagar, Hyderabad, in the third round of counselling on 29-8-2017. However, it is stated in the allotment letter that the allotment was subject to the final outcome of the case.

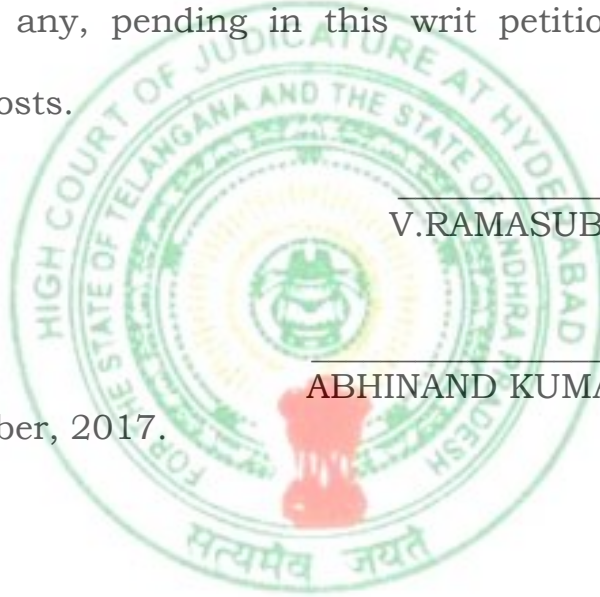
6. The fact that the petitioner is more meritorious than those who secured admission to BDS course in the second round of counselling, cannot be denied. The petitioner secured admission to BDS course in the first round of counselling itself. A person who secured admission to BDS course in the first round of counselling, cannot be less meritorious than a person who secured admission to BDS course in the second round of counselling. Therefore, the impugned notice denying the benefit of participation in the third round of counselling to more meritorious candidates is obviously discriminatory and is liable to be set aside.

7. But today, the petitioner has secured an admission. The impugned notice is confined only to the current academic year. Therefore, the question of setting it aside only remains an exercise in academics. Hence, the writ petition is closed, directing the respondents to regularise the admission of the petitioner to the MBBS course in ESI Corporation Medical College, Sanathnagar, Hyderabad, as her participation in the mop-up round, was as a matter of right and cannot be held wrong in the light of an illegal Circular. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

ABHINAND KUMAR SHAVILI, J.

21st September, 2017.
Ak



HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Writ Petition No.28690 of 2017
(per VRS, J.)



21st September, 2017.
(Ak)