

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.25165 OF 2017

ORDER:

This writ petition is filed by the petitioner seeking a direction to the 3rd respondent- Consortium of Institutions of Higher Learning (in short "CIHL") to transfer her admission from 5th respondent-JNTUK to 4th respondent-JNTUH.

2) Brief facts of the case are that the petitioner after completing B.Tech., Engineering Course in 2016 has appeared for GATE examination, which is the eligibility examination for admission into Masters in Engineering Course, and got obtained the rank in the said examination. Petitioner also got rank in Master of Science in Information Technology Entrance Test-2017, conducted by the CIHL, MSIT Division, IIIT Campus, Gachibowli, Hyderabad, for and on behalf of the constituent colleges under International Institute of Information Technology (IIIT-H), Hyderabad, Jawaharlal Nehru Technological University Hyderabad (JNTUH), Jawaharlal Nehru Technological University Kakinada (JNTUK), Jawaharlal Nehru Technological University Anantapur (JNTUA) and Sri Venkateswara University Tirupati (SVU). The CIHL has acted as a coordinating agency for the purpose of conducting examination and allocating of the successful students to the institutions, based on their ranking and also taking into consideration of the option exercised by the respective candidates. Petitioner has exercised her option and joined in the MSIT course at JNTU Kakinada. It is the case of the petitioner that on account of her health, she desires to pursue the MSIT course at JNTU Hyderabad Campus. It is also the case of the petitioner that the JNTU Hyderabad has unfilled vacant seats in

MSIT course and in that view of the matter she made an application to CIHL on 26.07.2017 seeking transfer of her admission from JNTU Kakinada to JNTU Hyderabad, however, the 3rd respondent has not been considering her request. Hence, the writ petition.

3) Learned Government Pleader for 2nd respondent as well as the learned standing counsel appearing on behalf of the respondents 4 and 5 submit that there is a separate procedure governing transfer of students from one university to another university and in normal circumstances, there is no practice of transferring one state student to the other state. It is also contended that 4th and 5th respondent Universities are situated in different states and they are governed by different statutes and rules. It is also further submitted that the petitioner has not filed any application seeking transfer of her admission.

4) Having considered the respective submissions it is not in dispute that the CIHL is only a nodal agency temporarily formed by way of an agreement between the institutions IIIT-H, JNTUH, JNTUK, JNTUA and SVU for smooth conducting of entrance examination and for allocating the students as per the choice. Petitioner herself had made a choice to join JNTUK. However, in the circumstances, there being no application in accordance with the procedure prescribed, if any, the question of directing the respondent authorities to transfer the petitioner from JNTUK to JNTUH by the Court does not arise.

5) However, considering the specific assertion of the petitioner that there are 8 or 9 unfilled seats in JNTUH in MSIT programme

no prejudice would be caused if CIHL, which is a nodal agency, to explore the possibility of providing admission as a fresh candidate in JNTUH, especially considering the fact as on date the classes have been commenced only on 15.07.2017. It is also made clear that such direction to consider the request of the petitioner is subject to the regulations permitting and subject to the availability of seats in 4th respondent University.

6) Accordingly the Writ Petition is disposed of. There shall be no order as to costs. Consequently, the Miscellaneous Petitions pending, if any, shall stand closed.

Date:01.08.2017.

Note:

Issue C.C. in two days.

B/o.

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JUSTICE CHALLA KODANDA RAM

