

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN  
AND  
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

**Writ Petition No.16356 of 2018**

**Order: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)**

Heard Sri K.V. Simhadri, learned counsel for the petitioner, Sri Taddi Nageswara Rao, learned Standing Counsel for the Dr. NTR University of Health Sciences and Sri K. Lakshman, learned Assistant Solicitor General and, with their consent, the Writ Petition is disposed of at the stage of admission.

The petitioner is an in-service Medical Graduate, who seeks admission into Post Graduate Medical Degree and Diploma Courses. She secured 41.66 percentile in the NEET Post Graduation 2018 examination as against the then cut off marks of 50 percentile for general candidates. As she was ineligible to apply for admission into Post Graduate Medical Courses, since the marks secured by her were less than the prescribed percentile, she did not submit any application to the Dr. NTR University of Health Sciences. After the first phase of counselling ended, the National Board of Examinations, New Delhi issued a public notice dated 27.4.2018 reducing the cut off percentile, for admission into Post Graduate Medical Degree and Diploma Courses from 50 percentile to general candidates to 35 percentile. Consequently the petitioner, who secured 41.66 percentile, is now eligible to seek admission into Post Graduate Degree and Diploma Courses.

While both Sri K.V. Simhadri, learned counsel for the petitioner, and Sri Taddi Nageswara Rao, learned Standing Counsel for the Dr. NTR University of Health Sciences, would agree that the subject matter of this Writ Petition is covered by the order passed by us in W.P. No. 9829 of 2018 and batch dated 9.4.2018; and the petitioner is entitled, if her claim of fulfilling the requirement of para-11 of GOP No. 646 dated 10.7.1979 is

true, to be considered for admission under the 15% un-reserved category, her entitlement to be given admission would depend both on the percentile marks secured in the NEET examinations, and the rank secured by her.

The submission of Sri K.V. Simhadri, learned counsel for the petitioner, is that the Dr. NTR University of Health Sciences is not permitting the petitioner to submit an application on the ground that the National Board of Examinations has not issued her rank card, and because she underwent her MBBS course from the University of Mysore in the State of Karnataka.

It is not in dispute that only candidates, who secured the minimum prescribed cut off marks, are issued rank cards by the National Board of Examinations, New Delhi. Till the cut off marks were reduced from 50 percentile to 35 percentile by the National Board of Examinations, in its public notice dated 24.2.2018, the petitioner was not eligible to be issued a rank card. Consequent on the reduction in the minimum cut off percentile, the National Board of Examinations is required to issue her a rank card. The difficulty which the petitioner faces is that, as per the notification dated 28.4.2018, verification of documents, for the second phase of counselling to be held tomorrow ie 02.05.2018, commenced on 30.4.2018, and is scheduled to be completed today ie 1.5.2018. Unless the petitioner's application is considered today, she would not be eligible to participate in the second phase of counselling scheduled to commence tomorrow.

Sri Taddi Nageswara Rao, learned Standing Counsel for the Dr. NTR University of Health Sciences, would fairly state that, in case the petitioner approaches the Registrar of the Dr. NTR University of Health Sciences before 5.00 p.m. today, the University would scrutinize her application, and the documents enclosed thereto, and if, based on the marks secured by her in the NEET examinations and if the documents show that she fulfills the conditions stipulated in para-11 of GOP No. 646 dated

10.7.1979, she would be considered for being granted admission, under the 15% un-reserved category in the counselling scheduled to be held tomorrow, in terms of the judgment of this Court in W.P. No. 9829 of 2018 and batch dated 9.4.2018.

We consider it appropriate, therefore, to dispose of the Writ Petition directing the Dr. NTR University of Health Sciences, in case the petitioner approaches the Registrar of the University before 5.00 p.m. today, to consider her application, verify the original documents to satisfy themselves whether she has secured the required marks in the NEET examinations, and whether she fulfills the requirement of para-11 of GOP No. 646 dated 10.7.1979; and, if she satisfies the prescribed conditions, to then permit her to appear in the counselling scheduled to be held tomorrow, without insisting on her producing the NEET rank card either today or tomorrow. The National Board of Examinations shall furnish the petitioner her rank card on or before 5.5.2018. In case the petitioner is selected in tomorrow's counseling, it is only, on her producing her rank card before 8.5.2018, shall she be entitled for admission into the Post Graduate Medical Course in the college for which she is selected.

The Writ Petition is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**(RAMESH RANGANATHAN, ACJ)**

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**(KONGARA VIJAYA LAKSHMI, J)**

1<sup>st</sup> May, 2018

**Note:**

**Furnish c.c. today.**

b/o

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Date:01.05.2018

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