

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

Writ Petition No.17078 of 2018

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

Heard 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 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. He secured 39.28 percentile in the NEET Post Graduation 2018 examination as against the then cut off marks of 50 percentile for general candidates. As he was ineligible to apply for admission, into the Post-graduate medical courses, and since the marks secured by him were less than the prescribed percentile, he did not submit his application, for admission into Post-graduate medical courses, 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 50th percentile to general candidates to 35th percentile. Consequently the petitioner, who secured 39.28 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 his 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, his entitlement to be given admission would depend both on the percentile marks secured in the NEET examinations, and the rank secured by him.

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 he underwent his MBBS course from Bangalore University in the State of Karnataka. Though the last date for making an application expired by 5.00 p.m. yesterday, and verification of documents is to expire by 5.00 p.m. today, it is stated by Sri Taddi Nageswara Rao, learned Standing Counsel for the Dr. NTR University of Health Sciences, that counselling for the next phase of admission is scheduled to be held tomorrow.

As the next phase of counselling is to commence only on 3.5.2018, we see no reason to deny the petitioner the opportunity of having his candidature considered for admission into Post Graduate Medical Courses under the 15% un-reserved category. The petitioner's application, for admission into Post-graduate medical courses, shall be considered, if he approaches the Registrar of the Dr. NTR University of Health Sciences before 5.00 p.m. today, along with all the required documents.

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 his application, verify the original documents to satisfy themselves whether he has secured the required marks in the NEET examinations, and whether he fulfills the requirement of para-11 of GOP No. 646 dated 10.7.1979; and, if he satisfies the prescribed conditions, to then permit him to appear in the counselling scheduled to be held tomorrow.

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.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

2nd May, 2018

Note:
Furnish c.c. today.
b/o
Pnb



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Date:02.05.2018

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