

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29586 OF 2018

ORDER:

This Writ Petition is filed seeking writ of mandamus to set aside the Provisional Selection of respondents 5 to 8 for admission into Ph.D for faculty/course of "Agricultural Extension" for the Academic Year 2018-19 selected by the 3rd respondent and consequently to select the petitioner for Ph.D Faculty/Course of Agricultural Extension in Andhra University Area under OC category, as per the reservations fixed by the 3rd respondent.

2. Brief facts necessary for disposal of the Writ Petition are as follows:

It is the case of the Petitioner that she completed B.Sc Agriculture with 83.2% in the year 2016, M.Sc Agriculture Extension with 90.1% in the year 2018, at Bapatla Agricultural College. The 3rd respondent University issued Notification for admission into Ph.D Courses in the faculties of Agriculture, Home Science & Agricultural Engineering and Technology for the year 2018-19. In all 14 candidates qualified in the Ph.D Entrance Test 2018-19 for the Course of Agricultural Extension including the petitioner; that as per Condition No.4 of the prospectus, in case of disciplines more than three seats shall be reserved in favour of candidates belonged to Andhra University and Sri Venkateswara University, in the ratio of 66:44 respectively. Condition No.5 provides for criteria for the

selection; that the 2nd respondent is the Head of the Selection Committee constituted by the Vice Chancellor of 3rd respondent University. As per serial No.4, three seats were specified for the course of Faculty/course of Agricultural Extension and out of which, two seats allotted to Bapatla, Guntur District College Campus, which comes under the local area of Andhra University and one seat allotted to Tirupati, Chittoor District Agricultural College campus, which comes under the local area of Sri Venkateswara University and that the 2nd respondent shown allotment of reservations on social status basis as well as local area basis; that as per the said particulars, out of three seats of Agricultural Extension Faculty/Course, one seat was allotted for OC candidate, one seat was allotted for BC-A and one seat for SC candidate but the said allotment did not show the allotment to the local area of Andhra University and Sri Venkateswara University; that in the entrance test, both the petitioner and 7th respondent got 89 marks and as per the Memo of the 2nd respondent dated 05.07.2018, petitioner attended for interview on 06.07.2018. In the selection list, the 3rd respondent shown the respondents 5 to 7 as selected candidates with regard to Agricultural Extension; that the 5th respondent belongs to BC-C category, 6th respondent belongs to SC category and 7th respondent belongs to BC-A category and all of them belongs to local area of Sri Venkateswara University, whereas the 5th respondent name was shown to the local area of Andhra University under SC category, instead of showing under

the un-reserved category, as per the Memo dated 05.07.2018. As the respondents 2 and 3 failed to follow the allotment of 2 seats with regard to Agricultural Extension in the college of Bapatla Agricultural College campus as per Annexure-I of the Prospectus 2018-19 so also failed to allot one seat for open category, present Writ Petition is filed.

3. Counter affidavit is filed by the 3rd respondent denying the averments in the affidavit filed in support of the Writ Petition stating that as the total number of Ph.D seats in the Agricultural Extension is only 3, the regional reservation as envisaged in the Presidential Order is not applicable; that the 2nd respondent did not show the allotment of seats on local area basis, but the same is shown on campus basis; that in Annexure-I it is specifically stated that two seats are allotted to Bapatla campus and one seat is allotted to Tirupati Campus for study purpose only in Agricultural Extension; that the fourth seat in the Agricultural Extension was allotted to a SC candidate only to fulfill the reservation quota of the SC candidates based on the total number of seats i.e., 37 in the Faculty of Agriculture. It is stated that for all the four seats candidature were allotted to S.V.Agricultural College, Tirupati for pursuing Ph.D based on the Academic Council Resolution No.2842, dated 20.12.2017 which states that when the number of candidates in the subject are less, all will be allotted to one college only on rotation and for the academic year 2018-19, it was decided to allot all the candidates of Agricultural Extension

to SV Agricultural College, Tirupati. It is stated that the 5th respondent got seat in OC quota purely on merit though she belongs to BC-C category. It is stated that as per the notification, the total number of seats are 43, out of which, 37 seats are in the faculty of Agriculture, 4 seats in the Faculty of Agricultural Engineering & Technology and 2 seats in the Faculty of Home Science; that the admissions were made only on the basis of prospectus and that there is no deviation and sought for dismissal of the Writ Petition.

4. Counter affidavit is filed by the respondents 5 to 8 denying the averments in the affidavit filed in support of the Writ Petition stating that all the seats in the State to be treated as a single Unit for the purpose of maintaining rule of reservation as well as non-local area reservation in terms of the Presidential Order; that out of 37 Ph.D seats, 15% seats, i.e., 6 seats, are required to be earmarked to the non-local students, as such, all the students are entitled to participate and compete for the 15% of the seats under non-local area students and remaining 31 seats are to be allotted in terms of the amendments to the A.P. Educational Institutions (Regulations of Institutions) Order, 1974. The local area reservation after bifurcation of the State was fixed in the ratio of 66:34 to Andhra University and S.V. University areas; that as per the Rule, the meritorious student have an option to choose the seat at his/her option in local or non local categories irrespective of their social status or their entitlement in rule of reservation, as

such, the 5th respondent, though she belongs to BC-C category, she opted a seat in non-local category, as she secured 88.21% of marks, i.e., more than the petitioner. It is stated that 6th respondent was given a seat under SC category relating to Andhra University as the second seat in Bapatla Agricultural College is reserved for S.C candidate. As the 7th respondent got highest marks in the B.C category, he was given seat in B.C category in S.V. University area and 8th respondent was given seat under S.C category, since he secured highest marks in the S.V University as well as Andhra University area. It is stated that the respondents 5 to 7 pursuant to their allotment of seats, have joined in the respective colleges and continuing courses since 01.08.2018 onwards and that after their joining, petitioner filed the present Writ Petition, as such, same is not maintainable and sought for dismissal of the same.

5. Heard Sri K.Ramakoteswara Rao, learned counsel for the petitioner, Sri N.Sriram Murthy, learned Standing Counsel for the respondents 2 & 3 and Sri N.Subba Rao, learned counsel for the respondents 5 to 8.

6. Learned counsel for the petitioner submits that the 2nd and 3rd respondents have not followed the rule of reservation declared by the 3rd respondent as per the Annexure I of the prospectus in allotting seats in respect of Ph.D in Faculty/Agricultural Extension courses. He submits that even though the 3rd respondent shown 37 total seats in the prospectus 2018-19 with regard to all the faculty/course of

Ph.D, the respondents 2 and 3 have allotted total 41 seats, which is against the subject Notification and that the additional seats are filled up without any reason.

7. On the other hand, learned Standing Counsel for the respondents 2 & 3 submits that they have not deviated the Rules of reservation as per the prospectus for the year 2018-19.

8. Learned counsel appearing for the respondents 5 to 8, while reiterating the averments in the counter affidavit submits that the respondents 2 & 3 have followed the Rules of reservation and there is no deviation to the prospectus for admission to Ph.D Courses for the year 2018-19 and that they have already joined the colleges by the date of filing of the writ petition.

9. In this case, before considering the rival contentions of both parties, it is necessary to know the criteria for selection of candidates for Ph.D Course as well as reservation of seats in different categories. Clause 4 of the Acharya N.G. Ranga Agricultural University, Admission to Ph.D Courses in the Faculties of Agriculture, Home Science & Agricultural Engineering and Technology, Prospectus 2018-19 provides for Reservation of seats, which reads as follows:

“15%, 6% and 29% of the seats in each Faculty are reserved for candidates belonging to Scheduled Castes, Scheduled Tribes and Backward Classes respectively.

Provided that the rule of reservation shall be so implemented that the first candidate in the merit list of any major field or discipline shall not be denied a seat. Provided further that the above proviso shall not be applicable to a major field or discipline in which there is only one seat.

3% seats are reserved for Differently abled candidates as per Government norms.

In case of disciplines with more than 3 seats, 85% of seats after excluding those reserved for candidates from other states, shall be reserved in favour of candidates belonging to Andhra University and Sri Venkateswara University, local areas in the ratio of 66:44 respectively. (vide AP Educational Institutions [Regulation of Admissions] order, 1974 amended from time to time). Reservation of seats for Muslim candidates shall be as per the norms of the Government of AP.”

Clause 5 of the Acharya N.G. Ranga Agricultural University, Admission to Ph.D Courses in the Faculties of Agriculture, Home Science & Agricultural Engineering and Technology, Prospectus-2018-19, provides for the criteria for selection wherein it is categorically mentioned about the weightage of marks, which reads as follows:

Entrance Test	:50%
M.Sc. Level	:30%
B.Sc. Level	:10%
Interview Performance	:10%

10. Learned counsel for the petitioner vehemently contended that though the petitioner got highest marks in the examination among all the students, the 5th respondent got selected in the local area of Andhra University.

11. A perusal of the merit list of candidates who attended the interview for admission into Ph.D (Agriculture) Course for the academic year 2018-19, goes to show that the petitioner got 89 marks out of 100 in the Ph.D. Entrance Test 2018-19 and 5th respondent got 86 marks. But when the overall merit as per clause 5 of the prospectus 2018-19 i.e, weightage of marks in Entrance Test, M.Sc level, B.Sc level and performance in the interview is taken into consideration, the 5th respondent scored 88.21% whereas petitioner got 86.91%. Therefore, the contention of the learned counsel for the petitioner that even though the petitioner got highest marks than the 5th respondent, the 5th respondent was allotted seat in the

Agricultural Extension course, cannot be accepted. That apart, as contended by the learned Standing Counsel for the 2nd respondent as well as counsel for respondents 5 to 8, since the 5th respondent secured highest marks among all the candidates selected for Ph.D course in Agricultural Extension, she has an option to choose the seat at her option in local or non local categories, irrespective of their social status or her entitlement under rule of reservation, as such, she was allotted seat in non-local category in Sri Venkateswara University, even though she belongs to BC-C category.

12. The next contention raised by the learned counsel for the petitioner is that the respondents 2 & 3 have not followed the rule of reservation as mentioned in the Prospectus 2018-19. He contended that all the three Ph.D seats in the Agricultural Extension were allotted to the Sri Venkateswara University region, without following the regional reservation as per the Presidential Order. As per the Notification, the total number of seats in the faculty of Agriculture is 37, Faculty of Home Science is 02 and Faculty of Agricultural Engineering & Technology is 04, totaling 43. As per clause 4 of the Prospectus 2018-19, 15% seats out of 37 of Faculty of Agriculture are reserved for Scheduled Caste candidates i.e., total six seats are reserved for Scheduled Caste candidates. As far as Agricultural Extension course is concerned, there are only three seats available. As per the 'Note' in the Appendix annexed to the Prospectus 2018-18, if the number of available seats does not

exceed 3 in a major field the provisions relating to reservation in favour of local candidates shall not apply. As per Annexure-I of the Acharya N.G.Ranga Agricultural University, number of seats in Ph.D Courses for the Academic year 2018-19, two seats were allotted to Bapatla campus, Andhra University and one seat is allotted to Tirupati, S.V.University. Admittedly, as per the Area and Category Wise allocation of seats in different major fields in Ph.D (Agriculture) Course for the Academic year 2018-19, only three (3) seats available for Agricultural Extension i.e., one seat is reserved for OC candidate, one seat is reserved for BC-A and another seat is reserved for SC candidate. As I have already held supra, since the 5th respondent scored highest marks among all the candidates, she was allotted seat under OC category, though she belongs to BC-C category. As far as 6th respondent is concerned, he was allotted seat under SC category relating to Andhra University as the 2nd seat in Bapatla Agricultural College is reserved for S.C candidate. So far as 7th respondent is concerned, she got 85.84 marks out of 100, which is the highest mark in the list (excluding the 5th respondent, as she scored highest marks and secured seat in open category, even though she belongs to BC-C) as such, she was provided seat in BC category at S.V.University area. As far as 8th respondent is concerned, in order to fulfill the overall SC quota of 15% out of 37 seats, since he secured highest marks among all the S.C candidates in the S.V.University as well as Andhra University Area, he was allotted seat reserved for S.C candidate as

S.V.University local candidate. In the counter affidavit of the 3rd respondent, it is categorically stated that total five seats were already allotted to SC candidates in different subjects and 6th SC candidate was allotted in the Agricultural extension, to meet the reservation norms as per clause 4 of the Prospectus 2018-19. In view of above facts and circumstances, the contention of the learned counsel for the petitioner that the respondents 2 and 3 have failed to follow the rule of reservation and allotted seats in deviation to the notification as well as prospectus, cannot be accepted.

13. Learned counsel for the petitioner argued that all the seats are allotted to the S.V. Agriculture College, Tirupathi, which comes under the S.V.University Area ignoring the Annexure-I appended to the prospectus 2018-19. Learned Standing Counsel for the respondents 2 & 3 submits that as per the Academic Council Resolution No.2842, dated 20.12.2017, all the four seats were allotted to S.V.Agriculture College, Tirupati, on rotation basis. A perusal of the Proceedings of the 99th Academic Council Meeting held on 20.12.2017 at Guntur goes to show that as per clause (iv) of the Resolution No.2842, all the three (3) seats are allotted in 1 a year to one college and changing the college alternatively and the same is applicable to all disciplines where one seat is allotted. A perusal of the proceedings No.1476/Agril.Sci/2018, dated 15.03.2018 issued by the Registrar of Acharya N.G.Ranga Agricultural University, it was decided to allot all the seats to S.V.Agricultural College,

Tirupati & Agricultural College, Bapatla on rotation basis. In view of decision of Academic Council only, the respondents 2 and 3 have allotted all the four seats to the S.V.Agricultural College. As such, the action of the respondents 2 and 3 in following the said decision, cannot be faulted. That apart, though the respondents 3, 5 to 8 filed elaborate counter affidavits denying the averments in the writ affidavit, no reply affidavit is filed by the petitioner rebutting the said allegations. Moreover, the respondents 5 to 8 have already joined the colleges by the date of filing the Writ Petition and they are pursuing their studies in Ph.D Agricultural Extension at S.V. Agricultural College, Tirupati.

In view of above facts and circumstances, I do not see any merit in the Writ Petition and same is liable to be dismissed and accordingly dismissed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions if any, shall stand dismissed.

A.RAJASHEKER REDDY,J

30-10-2018
kvs

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.29586 OF 2018



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