

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.38732 of 2018

ORDER:

1. Heard Mr.Sricharan Telaprolu, learned counsel for the petitioners, Sri C.Sudesh Anand, learned Standing Counsel for 2nd respondent and Sri T.Rajashekar, learned Standing Counsel for Respondent No.5 and perused the material available on record.

3. EAMCET-AC-SW-III-2018 was conducted online by the 4th respondent herein. As per the procedure in vogue, the same needs to be sent to 2nd respondent-Andhra Pradesh Admission and Fee Regulatory Committee (for short 'AFRC') for taking up further process and forwarding the same to the State Council of Higher Education for ratification. In the instant case, when such a list was sent by the 4th respondent to the AFRC, the AFRC vide letter dated 11.10.2018 informed the Colleges that the AFRC found mismatching of names of 30 candidates. The said letter also refers to a meeting held on 3.10.2018 and consideration of the final list of candidates for the academic year 2018-19. In the affidavit filed in support of the writ petition, at paragraph 8, it is stated as under:

“It is submitted that the mismatch referring to the said student is that the name of the candidate was wrongly typed with the father's name instead of the candidates name at the time of registration for examination while the father's name, mother's name, date of birth, photograph and address are found to be correct. The entrance examination EAMCET-AC SW III 2018 was conducted by the 4th respondent under the supervision of the 2nd respondent in the presence of two observers appointed by the 2nd respondent. The candidate are allowed to appear for the examination after verifying the hall ticket and the identity proof particularly Aadhar card and further the student will be allowed to write the entrance examination after matching the thumb with

the biometric system installed by the agency conducting examination which biometric attendance was verified through the Aadhar server of the Government. Since all the details of the said student tallied with the identify proof (Aadhar) including the biometric attendance except the name, she was allowed to write the examination by the Chief Superintendent of Examinations including the Observers appointed by the 2nd respondent (AFRC). Since the name of the said student was wrongly entered her father's name at the time of registration, the qualified list of The candidate also contained the wrong name as there was no edit option. However, at the time of counselling since there was edit option, the name of the candidate was corrected as such the correct name was entered in the allotment order and the allotment list. The entrance examination as well as the counselling conducted by the 4th respondent was under the supervision of the observers appointed by the 2nd respondent only. However, without taking those details into account, without any notice or opportunity either to the student or the institution, the 2nd respondent resolved to delete the name of the said candidate admitted by the petitioner institution along with other candidate which action of the 2nd respondent is arbitrary and illegal. Except the mistake in respect of the name which happened inadvertently at the time of registration, all other details of the candidate including the biometric details verified through the Aadhar based biometric authentication through the Government server are found to be correct. Hence, the action of the 2nd respondent in deleting the name of the candidate due mismatch of the name with the qualified and allotted lists without any knowledge or notice to the student or the institution is illegal and arbitrary.”

4. In the considered opinion of this Court, various points which are factual aspects raised by the petitioners herein in the present writ petition is required to be considered by AFRC and obviously the said aspects were not brought to the notice of AFRC. Therefore, in the interest of students, this Court deems it appropriate to keep it open to the petitioner Colleges as well as students concerned to submit representations to the 2nd respondent-AFRC, highlighting their grievance against the impugned action and it is also open for them to file necessary documents, if any, in support thereof within a

period of three (3) weeks from the date of receipt of this order and if any such explanations, along with the documents are filed by the petitioner colleges and students, the 2nd respondent-AFRC shall consider the issue afresh. It is also made clear that pending consideration of the same, the students referred to in the impugned orders shall be permitted to prosecute their studies.

5. With the above observations and directions, the writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

Date: 26.10.2018

Note:

Issue C.C. today
B/o
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A.V.SESHA SAI, J



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.No.38732 of 2018

Dated:26.10.2018

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