

**HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
HON'BLE SRI JUSTICE T.AMARNATH GOUD**

WRIT PETITION NO.7191 OF 2019

ORDER: (per Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The petitioner has challenged the action of the respondent No.3, KNR University of Health Sciences, in not treating the petitioner as local candidate for the purpose of his admission to MD/MS of the P.G. Diploma Course, 2019.

The brief facts of the case are that in 2005, the petitioner was selected and opted for Kurnool Medical College in order to complete his MBBS. After having successfully completed his MBBS in 2010, with effect from 26.03.2013, he has been working as Civil Assistant Surgeon (CAS) in E.S.I Hospital, Sanath Nagar, Hyderabad. Since the petitioner was eager to do his M.S., he applied for M.D. Programme at the KNR University of Health Sciences, the respondent No.3. But, to his utter shock, he was not treated as a native of Telangana State, instead he has been classified as "local of Andhra Pradesh State". Upon enquiry, he has discovered that he is being treated as "local to Andhra Pradesh State" on the ground that his MBBS Degree happens to be from Kurnool Medical College. Aggrieved by his classification as a "local of Andhra Pradesh State" candidate, the petitioner has approached this court.

Mr. Pelleti Rajesh Kumar, the learned counsel for the petitioner, has vehemently contended that since the petitioner has lived throughout his schooling days in Hyderabad, since he has completed his schooling at Hyderabad, therefore, he should be

treated as a local of Telangana State, and not as “local of Andhra Pradesh State”. Secondly, since at the relevant time in 2004-2005, there was composite State of Andhra Pradesh, since in 2004, the petitioner was selected for the respondent No.3, he had no other option except to complete his MBBS with the respondent No.3. Having completed his MBBS, he has returned to the Telangana State. He continues to serve the State of Telangana as CAS. Therefore, the respondent No.3 is unjustified in treating him as a “local to Andhra Pradesh State”. Hence, the action of the respondents in treating the petitioner as a local to Andhra Pradesh State is an arbitrary, and illegal action.

On the other hand, Mr. Nagesh Bheemapaka, the learned counsel for the respondent No.3, submits that according to the prospectus for the P.G. Course, it is not the residency which matters with regard to treating a candidate as a local of Telangana State, or a local of Andhra Pradesh State. In fact, it is the place from where the person has acquired the qualifying degree which would determine the local status of the person. Since the petitioner had completed his MBBS Degree from Kurnool Medical College, he would have to be considered as a “local of Andhra Pradesh State”. Therefore, the petitioner is entitled only to 15% quota reserved for locals of Andhra Pradesh State.

Heard the learned counsel for the parties, and perused the record.

The Prospectus for admission into PG Medical Degree and Diploma Courses for the academic year 2019-20 defines the term 'local area' as under:

“3.2 LOCAL AREA:

3.2.1 The part of the State comprising the Districts of Srikakulam, Vizianagaram, Vishakhapatnam, East Godavari, West Godavari, Krishna, Guntur and Prakasam shall be regarded as the local area for the purposes of admission to the Andhra University, Nagarjuna University and to any other education institution (other than a State-wide University or State-wide Educational Institution) which is subject to the control of the State Government and is situated in that part.

3.2.2 The part of the State comprising the Districts of Adilabad, Hyderabad, Rangareddy, Karimnagar, Khammam, Mahaboobnagar, Medak, Nalgonda, Nizamabad and Warangal shall be regarded as local area for the purposes of admission to the Osmania University, the Kakatiya University and to any other educational institution (other than a State-wide University or State-wide Educational Institution) which is subject to the control of the State Government and is situated in that part.”

It further defines the term 'local candidates' as under:

“3.3 LOCAL CANDIDATES:

3.3.1 A Candidate for admission shall be regarded as local candidate in relation to a local area,

(i) If he/she studied in an Educational Institution or Educational Institutions in such local area for a period of not less than 4 consecutive academic years ending with the academic year in which he/she appeared or as the case may be first appeared in relevant qualifying examination.

Or

(ii) Where during the whole or any part of the 4 consecutive academic years ending with the academic year in which he/she appeared or as the case may be first appeared for the relevant qualifying examination, he/she has not studied in Educational Institutions, if he/she had resided in that local area for a period of not less than 4 years immediately preceding the date of commencement of the relevant qualifying examination, in which he/she appeared or as the case may be first appeared.”

A perusal of item No.3.2 and 3.3 clearly reveals that for the purposes of admission, it is relevant to consider the place from

where a candidate has earned the qualifying degree. According to the Prospectus, the qualifying degree is the MBBS. Admittedly, the petitioner had earned the MBBS degree from Kurnool Medical College. Admittedly, the said college is situated in the State of Andhra Pradesh, and not in the State of Telangana. Therefore, under item No.3.3, the respondents are justified in treating the petitioner as local of Andhra Pradesh State.

Merely because the petitioner may have grown up in Hyderabad during his childhood, merely because he continues to work in Hyderabad after completing his MBBS degree, even these two aspects would not entitle the petitioner to claim that he should be treated as a local candidate of Telangana State.

For the reasons stated above, this court does not find any merit in the present writ petition; it is, hereby, dismissed.

Miscellaneous petitions pending, if any, shall stand closed.
No order as to costs.

RAGHVENDRA SINGH CHAUHAN, ACJ

T.AMARNATH GOUD, J

Date: 04.04.2019
TJMR