

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

**W.P.NOs.7763, 7704, 7713, 7714, 7749, 7755, 7762,
7793 AND 7794 OF 2019**

COMMON ORDER:

Since the issue involved in all the writ petitions is one and the same, they are being disposed of by this common order.

2. These writ petitions are filed, seeking to declare the action of the first respondent in not releasing the Post Metric Scholarship to the petitioners as per the existing rules and report of respondent Nos.2 and 3, who declared the admissions of the petitioners into General Nursing and midwifery course under the management quota for the academic year 2010-11, prior to issuance of G.O.Ms.No.66, dated 10.09.2010, as illegal, arbitrary and against the principles of natural justice and contrary to G.O.Ms.No.90, dated 30.07.2002, G.O.Ms.No.66, dated 08.09.2010, G.O.Ms.No.106, dated 04.11.2009 and consequently sought direction to the first respondent to consider the claim of the petitioners as per rules and report submitted by respondents 2 and 3.

3. It is the case of the petitioners that they belong to Scheduled Caste and Scheduled Tribe and were admitted into 3 ½ years General Nursing and Midwifery course in different Nursing Schools for the academic year 2010-11 under Management Quota as per the notification issued by the third respondent. Having completed the said course, the petitioners are undergoing internship. The petitioners are eligible and entitled for sanction of Post Metric Scholarship as per the Government Orders in vogue at the time of

their admission. It is further stated that the then Government of Andhra Pradesh issued G.O.Ms.No.256, dated 20.08.2004, with policy of regulation for grant of permission to the private schools of Nursing, and matters connected with additional fee structure and selection committee with condition to complete the admissions by the end of July every year. Hence, the petitioners' admission for the year 2011 is completed as per the above Government Order. The then Government of Andhra Pradesh also issued notification on 29.06.2010 inviting applications for admission into Nursing and Midwifery Training Course with a direction to complete entire process of selection by 13.08.2010. Subsequently, the District Medical and Health Officer issued supplementary notification on 20.07.2010, as per which, admission of the petitioners was completed.

It is further stated that all the District Medical and Health Officers submitted a list of admissions for the year 2010-11 to the third respondent for further consideration. On 03.03.2014, the Government issued a memo, directing to clarify the admissions for the year 2010-11 took place prior to issuance of G.O.Ms.No.66, dated 08.09.2010 or not. In response to the same, the Deputy Director (Nursing), Medical Education, Telangana State, Hyderabad, submitted information dated 06.11.2014 along with all college student admission particulars to the Director of Medical Education stating that the petitioners joined General Nursing and Midwife course in different schools of Nursing prior to issuance of G.O.Ms.No.66 dated 08.09.2010 and got registered their names through online as per e-pass system, with a request to sanction the Post Metric Scholarship as per existing rules. Thereafter, the then

Government of Andhra Pradesh issued G.O.Ms.No.66, dated 08.09.2010, prescribing eligibility criteria for Post Metric Scholarship stating that the students who are admitted in Convener Quota seats are eligible for Post Metric Scholarship scheme, but other admissions in other quotas are not eligible for the same. Even as per the above said Government Order, the petitioners are entitled for Post Metric Scholarship, as the abovesaid Government Order has retrospective effect.

It is further stated that after completion of their admissions, the petitioners registered the applications for sanction of Post Metric Scholarship through online e-pass system. Thereafter, they came to know that the then Government of Andhra Pradesh issued G.O.Ms.No.66, dated 08.09.2010, making the students admitted under management quota eligible for reimbursement. Under these circumstances, they made a representation to the Government to consider their request for sanction of Post Metric Scholarships. Several students admitted under management quota prior to issuance of the said Government Order, filed W.P.No.15549 of 2010 and this Court by order dated 29.06.2012, directed the respondents to consider the claim made by the petitioners therein.

3. Heard Smt.K.V.Rajasree, the learned counsel appearing for the petitioners, the learned Government Pleader for Social Welfare and the learned Government Pleader for Education.

4. Admittedly, the petitioners, who belong to Scheduled Caste and Schedule Tribe, admitted into 3 ½ years General Nursing and Midwifery Course in different Schools of Nursing course, for the academic year 2010-11 under Management Quota as per the

notification issued by the third respondent, have registered their names through online under e-pas system for sanction of Post Metric Scholarship as per existing rules. The Government issued G.O.Ms.No.66, dated 08.09.2010, making the students admitted under management quota, not eligible for the said scheme. Under the similar circumstances, this Court, in W.P.No.15549 of 2010, directed the respondents to consider the claim of the petitioners who joined under management quota also. In view of the same, the present writ petition can be disposed of in terms of the aforesaid order.

5. Accordingly, the writ petition is disposed of, directing the first respondent to consider the claim of the petitioners for sanction of Post Metric Scholarship, who joined under management quota for the academic year 2010-11, as per rules. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 22-04-2019.
Shr

T.AMARNATH GOUD, J