

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12966 OF 2019

ORDER :

This writ petition is filed challenging the action of the respondents in not treating the petitioner as a resident student in contravention of Section 5.02 (c) of Statute V framed under Section 10(1)(ii) of the NALSAR University of Law Act, 1998 (for short 'the Act') and for a consequential direction to the respondents to treat the petitioner as a resident student in view of the domicile status of her father and of her against the 20% quota reserved for the resident students in the 1st respondent University.

The case of the petitioner is that the petitioner has responded to the Notification issued by the 2nd respondent for appearing at the Common Law Admission Test 2019 (CLAT) for admission into under graduate and post graduate courses of law in 21 National Law Universities in India and the petitioner secured All India Rank 158.

It is submitted that in exercise of power under Section 10(1)(ii) of the Act, Statute V was framed prescribing the procedure for admission against 20% seats reserved for resident students. In terms of Statute V, a resident student is defined as under;

“Sec.5.02 Definition:

c) 'Resident Student' of Andhra Pradesh means:

- i) A student who or any one of his parents has resided in the State of Andhra Pradesh for a period of atleast four years; or
- ii) A student who has studied in any one of the educational institutions in the State of Andhra Pradesh for a period of not less than four years leading to the qualifying examination.”

Since the petitioner studied Kindergarten between the years 2004 and 2006 at Euro Kids, Secunderabad; Classes 1-2 between 2006 and 2008 at Hyderabad Public School, Hyderabad; Classes 3 to 6 between 2008 and 2012 at Chirec Public School, Hyderabad; and passed 12th standard, which is qualifying examination, from Delhi Public School at R.K.Puram, New Delhi, in view of Section 5A of the Act, the petitioner is not entitled for claiming status of resident student.

But, as per Statute 5.02(c)(i), petitioner is entitled for being considered as a resident student as her father has resided for a period of more than four years in Hyderabad. The petitioner also filed certificates issued by the office of the Tahasildar, Saroornagar Mandal and Deputy Collector-cum-Tahasildar, Serilingampally, vouching petitioner's father residential status.

Aggrieved by the action of the respondents in not treating the petitioner as a resident student for the purpose of admission into 5 years BA LL.B course taking into account the domicile status of her father, present writ petition is filed.

Heard learned counsel for the petitioner, who submits that petitioner can be considered as a resident student in view of Statute 5.02 (C)(i), as her father resided in the State of Telangana for four years.

On the other hand, learned Standing Counsel for respondents submits that as per Section 5.A of the Act, reservation to the resident student shall be to the candidates who passed the qualifying examination in the educational institutions in the State and Common Law Admission Test (CLAT) and since the petitioner has not passed the qualifying examination test from the State of Telangana, she is not eligible to be considered under resident student category.

A reading of Section 5.A of the Act goes to show that even according to petitioner she is not entitled for admission under resident student category. But, however, this Court has already dealt with the similar issue by taking into account the '**Note**' appended to CLAT-2019 Notification which reads as follows;

Note: Three additional candidates may be admitted over and above the sanctioned Intake both for B.A., LL.B (Hons.) and LL.M., out of which one seat shall be offered to Resident Students of Telangana General Category and two seats shall be offered to All India General Category candidates.

In view of the above, the respondents are directed to consider the case of the petitioner in terms of the 'Note' appended to CLAT-2019 Notification.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

01.07.2019

Note: Issue CC by today.

B/o. t k.



THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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