IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No. 16803 OF 2019

Between:

P.Komalika,
D/o P.V.Mahesh, 16 years,
Being minor, rep. by her mother and natural guardian
Smt. P.Lakshmi Priyanka,
R/o Plot No. 153, Kondapaneni Township,
Mangalagiri, Guntur District, A.P. … Petitioner

AND

The State of A.P.,
Rep. by its Principal Secretary,
Department of Higher Education,
Secretariat Buildings, Velagapudi,
Andhra Pradesh and another … Respondents

Date of Order Pronounced : 04-02-2020

SUBMITTED FOR APPROVAL:

THE HON'BLE SMT. JUSTICE T.RAJANI

1. Whether Reporters of Local newspapers
   May be allowed to see the order? Yes/No

2. Whether the copy of order may
   be marked to Law Reporters/Journals? Yes/No

3. Whether her Lordship wishes to see the
   Fair copy of the order? Yes/No

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T.RAJANI, J.

***THE HON'BLE SMT. JUSTICE T.RAJANI**

+WRIT PETITION No. 16803 OF 2019

%Dated: 04-02-2020

#P.Komalika,
D/o P.V.Mahesh, 16 years,
Being minor, rep. by her mother and natural guardian
P.Lakshmi Priyanka, R/o Plot No. 153,
Kondapaneni Township, Mangalagiri,
Guntur District, A.P. … Petitioner

VERSUS

$The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Department of Higher Education,
Secretariat Buildings, Velagapudi, A.P., and others … Respondents

!Counsel for the petitioner : Sri P.V.Mahesh

^Counsel for the respondents : R1-G.P. for Higher Education
R2-Smt. M.Siva Jyothi

<GIST :

>HEAD NOTE :

?Cases referred :

SMT. JUSTICE T.RAJANI

WRIT PETITION No. 16803 OF 2019

ORDER:

This writ petition is filed, by one P.Komalika through her mother and natural guardian, namely Smt. P.Lakshmi Priyanka, seeking to direct the respondents to receive the application and examination fee of daughter of the petitioner and process the same for the purpose of permitting her for writing her II year intermediate examination for the academic year 2019-2020 in the State of Andhra Pradesh.

2. The daughter of the petitioner completed her I year intermediate course in the State of Telangana and her husband is a practicing advocate in the High Court of Andhra Pradesh. The High Court of Andhra Pradesh was shifted to Vijayawada from Hyderabad from 01-01-2019 and as such, husband of the petitioner has to shift his residence to Mangalagiri. As her daughter after completion of her I year intermediate has to pursue her II year intermediate in Andhra Pradesh, she joined in Vijaya Jyothi Junior College, Mangalagiri, and is pursuing her II year intermediate. On 22-10-2019 when the college sent the application and exam fee and all the certificates to the Board of Intermediate Education for filling the forms for writing II year intermediate exam, respondent No. 2-Board has not taken the application and returned it saying that the application cannot be completed as there was no provision for continuing the daughter of

the petitioner in pursuing her intermediate II year after completing her I year intermediate in Telangana State and the daughter of the petitioner is not permitted to take her II year exams, thereby she would lose her valuable academic year. A representation was made by husband of the petitioner to respondent No. 2 on 26-04-2019 to accord permission to her daughter to pursue her II year intermediate in Andhra Pradesh but no reply is issued by the authorities. Hence, the writ petition.

3. Respondent No. 2 filed counter contending that the writ petition was filed by daughter of the petitioner and she obtained a direction from the Court to receive the application of her daughter along with examination fee for II year intermediate examination for the academic year 2019-2020, against which an appeal was preferred which is allowed setting aside the order passed by learned single judge in W.P.No. 16803 of 2019 and the matter is remanded back. After receiving orders of the Court in W.P.No. 16803 of 2019, respondent No. 2 asked Vijaya Jyothi Junior College, Mangalagiri, to submit details of admission of daughter of the petitioner. The said college replied that it has not given admission. As daughter of the petitioner is not pursuing II year intermediate course in the State of Andhra Pradesh, her request for receiving examination fee for II year course cannot be accepted. According to Regulation No. 16 of Intermediate

Board Academic Regulations, in case of those students who are re-admitted directly into II year by virtue of their eligibility, such students shall have to take I year intermediate public examination along with II year intermediate public examination with the syllabus and text books prescribed by the Board of Intermediate Education, Andhra Pradesh. On specific requests from the employees of Secretariat and from Telangana Board of Intermediate, Andhra Pradesh Intermediate Board has, by its proceedings dated 03-05-2016 and 18-05-2017, permitted the students, whose parents came over to the State of Andhra Pradesh on bifurcation of the State, who have passed intermediate I year course in the combined State of Andhra Pradesh to join into II year intermediate course in the State of Andhra Pradesh relaxing the above regulation only for the academic years 2016-17 and 2017-18. When husband of the petitioner made a representation to extend the same benefit to his daughter, it is informed that in view of the changed curriculum, respondent No. 2 cannot extend the said benefit to any student. The textbooks of language of I year intermediate course for the academic year 2018-19 have been completely changed and few topics are added in group subjects. In view of that, respondent No. 2 has issued instructions *vide* proceedings in Rc.No. 109/E3/2019-2020 dated 13-05-2019 to all educational institutions, which are offering two year intermediate course, that students who have passed intermediate I year course in

the State of Telangana are not eligible to take admission into II year intermediate course in the State of Andhra Pradesh and that they have to join in I year intermediate course in case they decide to pursue intermediate course in the State of A.P.

4. Heard Sri J.Sudheer, learned counsel, representing Sri P.V.Mahesh, learned counsel appearing for the petitioner, learned Government Pleader for Higher Education appearing for respondent No. 1 and learned standing counsel appearing for respondent No. 2.

5. This case stands as a peculiar case since the very fact of daughter of the petitioner pursuing her II year intermediate course in Vijaya Jyothi Junior College, Mangalagiri, is in dispute. Cogent evidence is produced on both sides in favour of their contentions. Learned counsel for the petitioner produces examination papers which were evaluated by the college pertaining to II year intermediate course. Learned standing counsel submits the registers which do not show the name of daughter of the petitioner which implies that she is not pursuing her II year intermediate course in the said college. Learned counsel for the petitioner draws the attention of this Court to the proceedings in Rc.No. 109/E3/2019-2020 dated 13-05-2019 issued by respondent No. 2, by virtue of which all the principals are instructed that the students who studied I year in Telangana State are not eligible to take admission into II year in Andhra Pradesh State

as the curriculum of syllabus is different in both the States and if any student is interested to study in Andhra Pradesh State, he/she should take admission into I year only for the academic year 2019-2020. It is further instructed that the principals should obtain prior permission/eligibility certificate from the Board of Intermediate Education in respect of admissions of students who studied in other States/Boards, otherwise the principals will be held responsible.

6. Learned counsel for the petitioner submits that due to the failure of Vijaya Jyothi Junior College, Mangalagiri, to take permission from respondent No. 2 as specified, the said college authorities are denying the fact of admission of daughter of the petitioner into their college, as respondent No. 2, after filing of the writ petition, when they had to file their counter, sought for information with regard to the petitioner's daughter and in order to get over their laches in not seeking prior permission from respondent No. 2, Vijaya Jyothi Junior College, Mangalagiri, has addressed a letter to respondent No. 2 on 31-01-2020 stating that the petitioner's daughter is not pursuing her studies in their college. The fact remains that after bifurcation, High Court of Andhra Pradesh is not immediately shifted to Amaravati. It is shifted only with effect from 01-01-2019, at which time the husband of the petitioner had to move to Amaravati. Hence, it is as necessary for the advocates as was for the employees

of the secretariat, to admit their children, who already completed their I year intermediate course in the State of Telangana, in the colleges in Andhra Pradesh, for II year intermediate course. The ground on which such admission is denied for the daughter of the petitioner and similarly situated students is that there is a change in I year intermediate course. Learned counsel for the petitioner puts forth a very rational argument with regard to the said objection, stating that if the course of intermediate in I year changes, it changes for even the students who pursued their I year intermediate course in the State of Andhra Pradesh and in such case, they would also be required to take intermediate I year course again which shall not be the order. Hence, on that analogy, refusal of application of daughter of the petitioner to allow her to appear for the examination cannot be sustained.

7. Hence, in the above circumstances, this Court deems it fit to direct the respondents to accept the application and examination fee of daughter of the petitioner and process the same for the purpose of permitting the latter for writing her II year intermediate examination for the academic year 2019-2020 in the State of Andhra Pradesh. It is made clear that this order is passed under the peculiar circumstances of the case and shall not be cited as a precedent.

8. The writ petition is allowed.

9. Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 04-02-2020.
Note: Issue C.C. today.
B/O
JSK

T.RAJANI, J.

SMT. JUSTICE T.RAJANI

WRIT PETITION No. 16803 OF 2019

DATE: 04TH FEBRUARY, 2020

JSK