

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 10970 OF 2022

Between:

Sara Sushmitha, D/o. Sara Jayaprakash, Age. 29 years, 4-10-36, Anantagiri Pally,
Balijaguda, Vikarabad, Ranga Reddy District. Telangana-501 101.

...PETITIONER

AND

1. The State of Telangana, represented by its Principal Secretary, Medical and Health Family Welfare Department, Secretariat Buildings, Hyderabad-500 055.
2. Kaloji Nararayana Rao University of Health Sciences, represented by its Registrar, Warangal.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents particularly the 2nd respondent in not considering the petitioner for counselling and admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the academic year 2021-22 as illegal, arbitrary, unconstitutional and consequently direct the respondents to consider and include the name of the petitioner for admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the academic year 2021-22.

IA NO: 1 OF 2022

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 2nd respondents to consider the petitioner request under A Category (CQ) for admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the academic year 2021-22 in next phase of counselling, pending disposal of writ petition.

Counsel for the Petitioner : SRI.V.RAMESH REDDY

Counsel for the Respondent No.1: GP FOR MEDICAL HEALTH AND FAMILY WELFARE

Counsel for the Respondent No.2 : SRI.A.PRABHAKAR RAO

The Court made the following ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.10970 OF 2022

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

"...to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents particularly the 2nd respondent in not considering the petitioner for counselling and admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the academic year 2021-22 as illegal, arbitrary, unconstitutional and consequently direct the respondents to consider and include the name of the petitioner for admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the academic year 2021-22 and pass such other order or orders..."

2. Heard both sides. Perused the record.
3. Learned counsel for the petitioner would submit that the respondent No.2-University issued notification, dated 04.12.2021, calling for online applications for admission into Bachelor of Physiotherapy (BPT) course under A Category (CQ) for the Academic Year 2021-22. The last date for submitting the application is 15.12.2021. However, due to prevalence of COVID 19 pandemic, the petitioner could not notice the same and could not apply. Now, the petitioner is ready to submit an application to the authority concerned and to pay the requisite fee. Further, this Court, in similar circumstances, vide order dated 17.02.2021 passed in W.P.No.3653 of 2021 and order, dated 16.03.2021 passed in 6564 of 2021, was

pleased to grant benefit to the petitioners therein to submit application to seek admission into B.Sc. Nursing Course.

4. The submissions of the learned counsel for the petitioner is conceded by other side. Copies of the order dated 17.02.2021 passed in W.P.No.3653 of 2021 and order dated 16.03.2021 passed in 6564 of 2021, are before this Court, which read as follows:

W.P.No.3653 of 2021

"Notice before admission.

Post after four weeks.

The petitioner is directed to appear before respondent No.2-University along with Original Certificates for verification on or before 26.02.2021 to enable respondent No.2 to include the name of petitioner in the 2nd phase of Counselling for admission in to B.Sc. Nursing Course.

W.P.No.6564 of 2021

"Notice before admission.

Post after four weeks.

The petitioner is directed to appear before respondent No.2-University along with Original Certificates for verification on or before 26.03.2021 to enable respondent No.2 to include the name of the petitioner in the 2nd phase of counselling for admission in to B.Sc. Nursing Course.

5. In the instant case, the reasons advanced by the petitioner is that due to prevalence of COVID-19 pandemic, she could not log into the website of the respondent No.2-University and ascertain the notification and last date for online registration for admission into Bachelor of Physiotherapy (BPT) Course. Here, it is apt to state that in view of prevalence of COVID-19 pandemic, people were under great panic. There were restrictions on their movements. In

addition, people faced so much inconvenience and hardships. In view of these circumstances, the reasons advanced by the petitioner needs consideration and the petitioner is required to be allowed to file her application along with requisite fee and comply with all the requirements to seek admission into Bachelor of Physiotherapy Course for the academic year 2021-22.

6. Accordingly, the petitioner is directed to appear before the respondent No.2-Kaloji Narayana Rao University of Health Sciences, Warangal, along with original certificates for verification on or before 07.03.2022 to enable respondent No.2 to include the name of the petitioner in the counselling for admission into Bachelor of Physiotherapy (BPT) course, subject to the petitioner paying application fee etc. On appearance of the petitioner as directed above and filing an application within the time prescribed above, she is entitled for admission into the said course, provided she has merit/eligibility, in accordance with the relevant Rules.

7. With the above direction, this Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

SD/- MOHD.SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Medical and Health Family Welfare Department, Secretariat Buildings, State of Telangana, Hyderabad-500 055.
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal.
3. Two CCs to GP FOR MEDICAL HEALTH AND FAMILY WELFARE, High Court for the State of Telangana at Hyderabad. [OUT]
4. One CC to SRI.V.RAMESH REDDY, Advocate [OPUC]
5. Two CD Copies
6. One spare copy

SA &

HIGH COURT

DATED:03/03/2022



ORDER

WP.No.10970 of 2022

DISPOSING OF THE W.P

WITHOUT COSTS.

8 Copies
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5/3/22