

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT APPEAL NO: 898 OF 2024

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 26/02/2024 passed in W P No 28463 of 2023 on the file of the High Court.

Between:

Dr. SHAIK MOIZA, D/o. Mansoor Baduga, aged about 30 years, Occ. Doctor,
R/o. H.No.25/427-B, Flat No.302, SMN Residency, Near Dabrol Masjid,
Nandyal 518 501, A.P.

...APPELLANT

AND

1. STATE OF TELANGANA, Rep. by Principal Secretary, Medical Health Department, Secretariat, Hyderabad.
2. Kaloji Narayana Rao University of Health Sciences, Rep. by its Registrar, Warangal, T.S.
3. Kakatiya Medical College, Warangal, represented by its Principal, Warangal

...RESPONDENTS

IA NO: 3 OF 2024

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 suspend the orders (dated 26.02.2024) passed in WP No. 28463 of 2023 by the Learned Single Judge until the main Writ Appeal is decided.

IA NO: 4 OF 2024

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 Respondents No.2 and 3 to allow, permit the Petitioner to attend the classes in Kakatiya Medical College, Warangal in PG Diploma in DCH Pediatrics forthwith, pending disposal of the above Writ Appeal.

**Counsel for the Appellant: SRI C. LALIT KUMAR REDDY REPRESENTING FOR
SRI M.P. KASHYAP**

**Counsel for the Respondent No.1: SRI P. SHRAVAN KUMAR GOUD,
GP FOR MEDICAL, HEALTH & FW**

Counsel for the Respondent No.2: SRI A. PRABHAKAR RAO, SC FOR KNRUHS

**Counsel for the Respondent No.3: SRI ADI VENKATESHWARA RAO, SC FOR
KAKATIYA MEDICAL COLLEGE**

The Court delivered the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT APPEAL No.898 of 2024

JUDGMENT: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. C.Lalit Kumar Reddy, learned counsel representing Mr. M.P.Kashyap, learned counsel for the appellant.

Mr. P.Shravan Kumar Goud, learned Government Pleader for Health, Medical and Family Welfare Department for respondent No.1.

Mr. A.Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences (hereinafter referred to as, 'the University') for respondent No.2.

2. This intra court appeal emanates from an order dated 26.02.2024 passed by the learned Single Judge in W.P.No.28463 of 2023.

3. The appellant was admitted to FG Diploma course in DCH-Pediatrics in the academic year 2017-2019 in Kakatiya Medical College, Warangal. The duration of the course was two years. The appellant without any intimation absented and did not attend the classes for a period from 01.03.2018 to 19.02.2020 i.e., for a period of 720 days. Thereafter, the appellant submitted an application seeking re-admission and permission to complete the course by condoning the delay of 720 days. The aforesaid application was rejected by the University by an order dated 04.09.2023. The aforesaid order was challenged in a writ petition namely W.P.No 23463 of 2023 by the appellant, which has been dismissed by learned Single Judge by impugned order dated 26.02.2024.

4. Learned counsel for the appellant while inviting the attention of this Court to Rule xiii of Telangana Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 2017 (hereinafter referred to as 'the Rules') has submitted that the duration of course is for a period of four years and therefore, the appellant ought to have been

permitted to complete the course after condoning the absence of 720 days.

5. On the other hand, learned Standing Counsel for the University has invited the attention of this Court to Rule vi of the Rules and has submitted that the order passed by the learned Single Judge does not call for any interference.

6. We have considered the rival submissions made on both sides and have perused the record.

7. Rule vi of the Rules is extracted below for the facility of reference:

“vi) SANCTION OF LEAVE OF ABSENCE BEYOND
3 MONTHS & TERMINATION OF STUDENTSHIP:

Every candidate after his admission shall attend the classes (Theory, Practical and Clinical) on all the working days unless the candidate is granted leave of absence by the Principal, if a student absents continuously for a period of 91 days or more and seeks permission to attend the course before one year after discontinuation the candidates application in the prescribed proforma shall be forwarded to the Registrar with the

recommendations of the Principal with requisite fees. If the Vice-Chancellor is satisfied with the reasons, he may grant leave of absence attaching such conditions, as he may be deemed necessary. Candidates who are absent for a continuous period of one year or more without permission, shall be deemed to have forfeited the admission into the course and the studentship shall stand cancelled without any future notice. University regulations from time to time are applicable in this regard.

Thus it is evident that if a student absents continuously for a period of 91 days or more and seeks permission to attend the course before one year after discontinuation, the candidate's application in the prescribed pro forma shall be forwarded to the Registrar with the recommendations of the principal with requisite fee.

8. In the instant case, the appellant admittedly has not complied with the mandate contained in Rule vi as the appellant did not submit an application before one year of discontinuation of her candidature. Rule xiii of the Rules, which deals with duration of course provides that a student who has been attending the classes has to clear

the examination within two years from the date of completion of the course. Rule xiii of the Rules has no application to the obtaining factual matrix of the case. It is trite law that a writ of *mandamus* can be issued only when there is a statutory right coupled with the statutory duty on the other side to perform the obligation under the law. In the absence of any statutory right vested in favour of the appellant, the learned Single Judge has rightly declined to entertain the writ petition. The impugned order does not call for any interference in this intra court appeal.

9. In the result, the Writ Appeal fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

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SDI-B. SATYAVATHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Medical Health Department, State Of Telangana, Secretariat, Hyderabad.
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal, T.S.
3. The Principal, Kakatiya Medical College, Warangal, Warangal
4. One CC to SRI M.P. KASHYAP, Advocate [OPUC]
5. One CC to SRI A. PRABHAKAR RAO, SC FOR KNRUHS [OPUC]
6. One CC to SRI ADI VENKATESHWARA RAO, SC FOR KAKATIYA MEDICAL COLLEGE [OPUC]
7. Two CCs to GP FOR MEDICAL, HEALTH & FW, High Court for the State of Telangana. [OUT]
8. Two CD Copies

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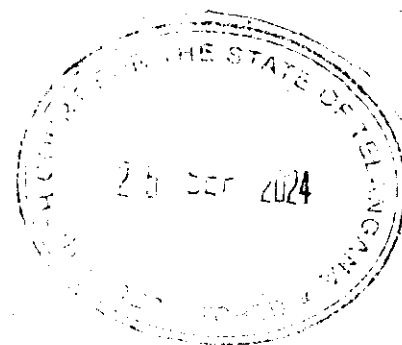
CHR

HIGH COURT

DATED:01/08/2024

JUDGMENT

WA.No.898 of 2024



DISMISSING THE WRIT APPEAL
WITHOUT COSTS

① CHR
27/8/24