

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

MONDAY, THE TWENTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 28382 OF 2024

Between:

Parimala Akshaya, D/o. Parimala Ramakrishna. Aged. 17 years, Occ. Student, R/o. H. No. 12-4, Near Water Tank. Undavelly, Manopadu Mandal, Mahabubnagar District, Telangana State - 509153 Represented by her father who is Natural Legal Guardian. Parimala Ramakrishna.

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Medical Health and Family Welfare Department, Secretariat, Hyderabad.
2. Kaloji Narayana Rao University of Health Sciences,, Rep. by its Registrar, Warangal, Telangana State.

...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 and Declaration, thereby, Declaring the action of Respondent No. 2 University in notifying the petitioner as Not eligible for Admission into MBBS and BDS courses for the Academic year 2024-2025 under the aegis of KNR University of Health Sciences, Telangana State by treating the Petitioner as Non-local (NL) candidate in its Notification dated 24/09/2024 and 27/08/2024 despite petitioner being eligible to be considered as Local Candidate as per Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide G.O. Ms. No. 33 issued by Health, Medical and Family Welfare (CI) Department dated 19/07/2024, as illegal, arbitrary, violative of Article 21 of the Constitution of India and Contrary to Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide G.O. Ms. No. 33, and Consequently, direct the Respondent No. 2 to treat the Petitioner as a Local candidate for all the purposes of Admission into MBBS and BDS courses for the Academic year 2024-2025 under the aegis. of KNR University of Health Sciences, Telangana State

IA NO: 1 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 Respondent No. 2 to allow the Petitioner participate in the web-counselling for Admission into MBBS and BDS courses for the Academic year 2024-2025 under competent authority quota under the aegis of KNR University of Health Sciences, Telangana State, pending disposal of the present Writ petition

Counsel for the Petitioner: SRI. BAGLEKAR AKASH KUMAR

**Counsel for the Respondent No.1: SRI T. RAMESH AGP FOR HEALTH,
MEDICAL AND FW**

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

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.28382 of 2024

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

Mr. Baglekar Akash Kumar, learned counsel for the petitioner.

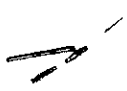
Mr. T.Ramesh, learned Assistant Government Pleader for Health, Medical and Family Welfare Department appears for respondent No.1.

Mr. A.Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appears for respondent No.2 (for short 'the University').

2. Heard on the question of admission.
3. In this writ petition, the petitioner *inter alia* seeks a direction to the University to treat her as local candidate for admission to MBBS/BDS course for the academic year 2024-25.

4. Facts giving rise to filing of this writ petition briefly stated are that the petitioner prosecuted her studies from Class I to IX in the State of Telangana. Thereafter, she has passed X class examination from Kurnool in the neighbouring State of Andhra Pradesh. According to the petitioner, she has passed her qualifying examination *viz.*, intermediate examination from the State of Telangana and she is residing in the State of Telangana since her birth and is, therefore, a permanent resident.

5. The petitioner appeared in the NEET-UG examination on 05.05.2024. The petitioner, however, was not treated as a local candidate Respondent No.2- University issued a list of local candidates on 24.09.2024, in which the name of the petitioner was not included. Thereupon, the petitioner filed this writ petition on



14.10.2024 seeking a direction to respondent No.2-
University to treat her as local candidate.

6. Learned counsel for the petitioner has placed reliance on order dated 04.10.2024, passed by this Court in W.P.No.24894 of 2024 (**Anamta Farook v. State of Telangana**) and has submitted that candidate residing in Dubai was treated as local candidate whereas the petitioner has only prosecuted her studies in the neighbouring state of Andhra Pradesh and therefore, she deserves to be treated as local candidate.

7. On the other hand, learned Standing Counsel for the University submits that the petitioner, under the Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS courses) Rules 2017, is not eligible as she is not residing in the State of Telangana continuously for a period of four years.

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

9. Before proceeding further, it is apposite to take note of Rule 3(a) of the Rules, which is extracted below for the facility of reference:

“(a) A candidate for admission into undergraduate courses under ‘Competent Authority Quota’ in Telangana should be Indian National/Person of Indian Origin (PIO)/Overseas Citizens of India (OCI) card holder and shall fulfil the following provisions:

i) If the candidate has studied in educational Institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he appeared or as the case may be first appeared in the relevant qualifying examination.

or

ii) Where during the whole or any part of the four consecutive academic years ending with the academic year in which he appeared, or as the case may be, first appeared for the relevant qualifying examination, he has not studied in any educational institutions, if he has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the relevant qualifying examination which he appeared or as the case may be first appeared.

iii) Local area herein means the State of Telangana. Further, in case the candidate has not studied in any educational institution and has resided in the local area as stated at (ii) above, to be eligible for admission into undergraduate courses under 'Competent Authority Quota', the candidate should have appeared for the relevant qualifying examination in the State of Telangana."

10. From a perusal of the aforesaid Rule, it is evident that the aforesaid Rule requires the candidate seeking

admission under the quota meant for local candidate has to study in the State of Telangana for a period of four years or reside in the State of Telangana for a period of four years. In addition, the candidate has to pass the qualifying examination from the State of Telangana.

11. Admittedly, the petitioner has passed X class examination from Kurnool in the State of Andhra Pradesh. Thus, the petitioner does not fulfill the requirement of residing in the State of Telangana for a period of four years, which is prescribed in the Rules. In the decision rendered by this Court in **Anamta Farook** (supra), on the facts of the said case, this Court found that the petitioner therein had fulfilled the requirement of staying in the State of Telangana for a period of four years as well as requirement of passing the intermediate examination.

12. The aforesaid decision has no application to the facts of the case as the issue whether or not a candidate is a local candidate has to be adverted to in the facts and circumstances of the case.

13. For the aforementioned reasons, we do not find any merit in the writ petition and the same is, accordingly, dismissed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/- A. SRINIVASA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. One CC to SRI. BAGLEKAR AKASH KUMAR Advocate [OPUC]
2. One CC to SRI A. PRABHAKAR RAO SC FOR KNRUHS [OF JC]
3. Two CCs to GP for Health Medical and FW, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies

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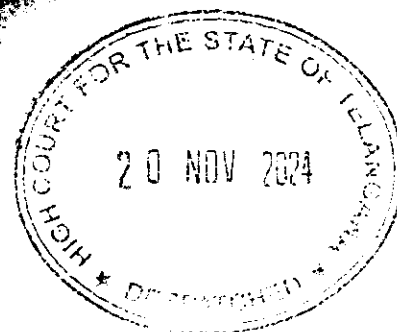


HIGH COURT

DATED:21/10/2024

ORDER

WP.No.28382 of 2024



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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