

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
 WEDNESDAY, THE TWELFTH DAY OF JULY TWO THOUSAND AND
 TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
WRIT PETITION NOS: 18047 & 18216 OF 2023

WRIT PETITION NO: 18047 OF 2023

Between:

Sanikommu Venkata Sai Bharath Reddy,, S/o. Sanikommu Thirupathi Reddy, Aged 17 years, Student, minor represented by his Natural Father / Guardian Mr. Sanikommu Thirupathi Reddy, S/o. Sanikommu Velugonda Reddy, aged 50 years, R/o.Hanumantha Puram, Prakasam District - 523227 State of Andhra Pradesh.

Petitioner

AND

1. Union of India,, Rep. by its Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi - 110011.
2. Union of India,, Rep. by its Secretary (HE), Ministry of Education, 109-C, Shastri Bhawan New Delhi - 110001.
3. National Medical Commission (NMC),, Represented by its Secretary, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi - 110077.
4. State of Telangana,, Rep. by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Hyderabad.
5. Director of Medical Education,, Health, Medical and Family Welfare Department, Government of Telangana, Secretariat Buildings, Hyderabad.
6. Telangana Vaidya Vidhana Parishad,, Department of Health, Medical and Family welfare, Rep.by its Commissioner, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad.
7. Telangana State Medical Services and Infrastructure Development Corporation (TSMSIDC),, Rep.by its Managing Director, 2nd Floor, DM and HS Campus. Sultan Bazaar, Koti, Hyderabad.
8. Kaloji Narayana Rao University of Health Sciences (KNRUHS),, Rep.by its Registrar, Nizampura, Warangal, Telangana.
9. State of Andhra Pradesh,, Rep.by its Principal Secretary, Health, Medical and Family Welfare Department, Secretariat, Velagapudi, Amaravati.

Respondents

WHEREAS the Petitioner above named through his Advocate SRI ANUP KOUSHIK KARAVADI presented this 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 a writ, order, or direction more particularly one in the nature of WRIT OF MANDAMUS to (a).Declare the Rule 3 (II)

(d), (e) and (h) of the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS and BDS Courses) Rules, 2017 amended/introduced vide G.O.Ms.No.72 dated 03.07.2023, issued by Respondent No. 4., through which the reservations as contemplated in the unamended Clauses of Rule 3 (II) (d), (e) are restricted in colleges established prior to 2nd June, 2014 and also the newly introduced Clause Rule 3 (II) (h) through which 100percent seats under Competent Authority Quota in the colleges established after 2nd June, 2014 are allocated to local students of Telangana State as illegal, Arbitrary, irregular, irrational, contrary to the Andhra Pradesh Reorganization Act, 2014 apart from being violative of Articles 14 and 21 of the Constitution of India, 1950. and consequentially set aside the same.(b).Declare the consequent impugned admission counseling Prospectus/Regulations issued by the Respondent No. 8 (For MBBS/BDS Courses for the academic year 2023-2024 under Competent authority quota) dated 06.07.2023, as illegal, arbitrary and the same liable to be set-aside and. (c).Direct the Respondent.No.4 to restore the provisions in force prior to the issuance of G.O.Ms.No.72 dated 03.07.2023, issued by Respondent.No.4, ensuring equal opportunity and protection of the laws to the students of Andhra Pradesh for the academic year 2023-2024 of NEET(UG) Courses.;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri ANUP KOUSHIK KARAVADI Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Ministry of Health and Family Welfare, Union of India,, Nirman Bhawan, New Delhi - 110011.
2. The Secretary (HE), Ministry of Education, Union of India,, 109-C, Shastri Bhawan New Delhi - 110001.
3. The Secretary, National Medical Commission (NMC),, Pocket-14 , Sector-8, Dwarka Phase-1, New Delhi - 110077.
4. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana Secretariat, Hyderabad.
5. The Director of Medical Education,, Health, Medical and Family Welfare Department, Government of Telangana, Secretariat Buildings, Hyderabad.
6. The Commissioner, Telangana Vaidya Vidhana Parishad,, Department of Health, Medical and Family welfare, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad.
7. The Managing Director, Telangana State Medical Services and Infrastructure Development Corporation (TSMSIDC),, 2nd Floor, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad.
8. The Registrar, Kaloji Narayana Rao University of Health Sciences (KNRUHS), Nizampura, Warangal, Telangana.
9. The Principal Secretary, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.

are directed to show cause on or before 09/08/2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2023:

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 operation of the impugned GOMs.No.72 dated 03.07.2023 issued by the Respondent No. 4, and also the consequentially issued Prospectus/Regulations published by the Respondent No. 8 (For MBBS/BDS Courses for the academic year 2023-2024 under 'Competent authority quota') dated 06.07.2023, pending disposal of the main Writ Petition and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstance of the case and consequentially conduct the counselling for the academic year 2023-2024 in line with the pre-existing provisions of the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS and BDS Courses) Rules, 2017, pending disposal WP No. 18047 of 2023, on the file of the High Court.

WRIT PETITION NO: 18216 OF 2023

Between:

1. Potabattuni Sal Sid Lochana, D/o. Sri Potabattuni Chandra Sekhar, Age. 18 years, R/o. Kisan Street, Santhinagar Patamata, Vijayawada, NTR District - 520 010 (Rep.by natural guardian Father i.e. Petitioner.No.2)
2. Potabattuni Chandra Sekhar, S/o. Padmanabha Rao, Age. 51 Years, R/o. Kisan Street, Santhinagar Patamata, Vijayawada, NTR District - 520 010.

Petitioners

AND

1. Union of India, Rep by its Secretary, Ministry of Law and Justice, 4th Floor, A-Wing, Shastri Bhawan, New Delhi - 110 001. (email - secylaw-dla@nic.in)
2. The State of Telangana, Rep by the Principal Secretary, Department of Health, Medical and Family Welfare, Telangana Secretariat, BRKR Bhavan, 6th Floor, D-Block, Hyderabad - 500022. Email. prlsec_hmfw@telangana.gov.in
3. National Medical Commission, Rep by the Board of Governors through its Joint Secretary, Pocket- 14, Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
4. Directorate of Medical Education, Government of Telangana Koti, Hyderabad, E-mail. dme@telangana.gov.in
5. Kaloji Narayanarao University of Health Sciences, Rep by its. Registrar, Nizampura, Warangal, Telangana 506007. (Email - knruhsvgl15@gmail.com)
6. The State of Andhra Pradesh, Rep by the Principal Secretary, Department of Health, Medical and Family Welfare, Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh
7. Dr YSR University, Rep by its Registrar, Vijayawada, Krishna District.

Respondents

WHEREAS the Petitioners above named through their Advocate SRI P THIRUMALA RAO presented this 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 a writ, order or direction more particularly one in the nature of writ of mandamus a) Declaring the action of the 2nd Respondent State in amending Rule 3 Sub rule (II) clause (d) and (e) of the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS and BDS Courses) Rules, 2017, issued vide G.O.Ms.No.72, DT. 03.07.2023, to the extent of altering the reservation eligibility criteria stipulated for the un-reserved 15 percentage competent authority quota seats to non-local candidates only against the total seats available in colleges established prior to-2nd June, 2014, and thus excluding the 1st petitioner and depriving the 1st petitioner of an equal opportunity of availing a seat in. Medical Courses for the academic year 2023-2024 in all Colleges in the. State of Telangana as illegal, arbitrary, discriminatory and violative of Articles 14 of the Constitution of India and in utter contravention of Section 95 of the Andhra Pradesh Reorganisation Act 2014 and the Andhra Pradesh Educational Institutions Regulation of Admissions Order 1974 issued vide G.O.P. No. 646 Education (W) Department Dated. 10-07-1979 and,

b) Declaring the action of the 2nd Respondent State in inserting and adding a new clause namely (h) after existing clause (g) of Rule 3 Sub rule (II) of the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS and BDS Courses), Rules, 2017, through the impugned G.O.Ms.No.72, DT. 03.07.2023, thus providing reservation to the extent of 100 percentage of seats under Competent Authority Quota for local candidates in colleges established after 2nd June, 2014, and thus excluding and depriving the 1st petitioner of an equal opportunity of availing a seat in Medical Courses for the academic year 2023-2024 in all Colleges prevailing in the State of Telangana as illegal, arbitrary, discriminatory and violative of Articles 14 of the Constitution of India and in utter contravention of Section 95 of the Andhra Pradesh Reorganisation Act 2014 and the Andhra Pradesh. Educational Institutions Regulation of Admissions Order 1974 issued vide G.O.P. No 646 Education (W) Department Dated. 10-07-1979, and

c) Declaring the action of the 2nd Respondent State in amending Rule 3 Sub rule (III) clause (a) of the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS and BDS Courses) Rules, 2017, through the impugned G.O.Ms.No.72, DT. 03.07.2023, accordingly reserving 85 percentage competent authority quota seats to the local candidates and 15 percentgae to non-local candidates against the total seats available in colleges established prior to-2nd June, 2014, and thus excluding and depriving the 1st petitioner of an equal opportunity of availing a seat In Medical Courses for the academic year 2023-2024 in all the existing Colleges in the State of Telangana as illegal, arbitrary, discrhirnatory and violative of Articles 14 of the .Constitution of India and in utter contravention of Section 95 of the Andhra Pradesh Reorganisation Act 2014 and the Andhra Pradesh Educational Institutions Regulation of Admissions Order 1974 issued vide G.O.P. No. 646 Education (W) Department Dated. 10-07-1979 and,

d) Declare the NEET prospectus and notification DT. 06.07.2023, issued by the 5th respondent University in consequence to the impugned G.O.Ms.No.72, as illegal, without jurisdiction and in gross disobedience of the judgments passed by the Hon'ble High Court, and consequently quash/set aside G.O.Ms.No.72, DT. 03.07.2023 issued by the .2nd respondent and also the prospectus amd notification DT. 06.07.2023 issued by the 5th respondent, and,

e) Consequently direct the 2nd and 5th respondents to implement the reservation eligibility criteria in the State of Telangana, in the matter of admission into NEET

MBBS and BDS Courses for the academic year 2023-24, by allowing the 1st petitioner to participate in the registration and counselling process as per the Andhra Pradesh Educational Institutions Regulation of Admissions Order 1974 issued vide G.O.P. No. 646 Education (W) Department Dated. 10-07-1979 and G.O.Ms. No.114, HM and FW, DT. 05-07-2017 and all other allied State Government instructions framed in consonance with Article 371-D of the Constitution of India, and also in terms of Section 95 of THE ANDHRA PRADESH REORGANISATION ACT, 2014, and also in terms of the judgments passed by the Honble High Court,;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri P THIRUMALA RAO Advocate for the Petitioner, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Ministry of Law and Justice, Union of India, 4th Floor, A-Wing, Shastri Bhawan, New Delhi - 110 001. (email - secylaw-dla@nic.in)
2. The Principal Secretary, Department of Health, Medical and Family Welfare, State of Telangana Telangana Secretariat, BRKR Bhavan, 6th Floor, D-Block, Hyderabad - 500022. Email. prlsec_hmfw@telangana.gov.in
3. The Board of Governors through its Joint Secretary, National Medical Commission, Pocket- 14, Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
4. The Directorate of Medical Education, Government of Telangana Koti, Hyderabad, E-mail. dme@telangana.gov.in
5. The Registrar, Kaloji Narayanarao University of Health Sciences, Nizampura, Warangal, Telangana 506007. (Email - knruhswgl15@gmail.com)
6. The Principal Secretary, Department of Health, Medical and Family Welfare, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District, Andhra Pradesh
7. The Registrar, Dr YSR University, Vijayawada, Krishna District.

are directed to show cause on or before 09/08/2023 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 1 OF 2023:

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 grant STAY ON THE OPERATION of GO.Ms.No.72 dated 03.07.2023 issued by the Respondent.No.4, and the consequential proceedings Prospectus/Regulations issued by the 5th Respondent University (For MBBS/BDS Courses for the academic year 2023-2024 under 'Competent authority quota') dated 06.07.2023 pending disposal of the WP No. 18216 of 2023, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Notice before admission.

Post on 09.08.2023, so as to enable the respondent No.4-State to file counter and justify the amendment carried out to the Telangana Medical and Dental Colleges Admissions (Admissions into MBBS & BDS Courses) Rules, 2017, wherein 100% reservation has been granted for the local candidates, which prima facie appears to be contrary to the Presidential Order.

The respondent-Universities shall entertain the applications of the petitioners for registration for admission into MBBS Course. However, admission of the petitioners will be subject to the further orders to be passed in these Writ Petitions.

Sd/- K.AMMAJI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Secretary, Ministry of Health and Family Welfare, Union of India,, Nirman Bhawan, New Delhi - 110011.
2. The Secretary (HE), Ministry of Education, Union of India,, 109-C, Shastri Bhawan New Delhi - 110001.
3. The Secretary, National Medical Commission (NMC),, Pocket-14 , Sector-8, Dwarka Phase-1, New Delhi - 110077.
4. The Principal Secretary, Health, Medical and Family Welfare Department, State of Telangana Secretariat, Hyderabad.
5. The Director of Medical Education,, Health, Medical and Family Welfare Department, Government of Telangana, Secretariat Buildings, Hyderabad.
6. The Commissioner, Telangana Vaidya Vidhana Parishad,, Department of Health, Medical and Family welfare, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad.
7. The Managing Director, Telangana State Medical Services and Infrastructure Development Corporation (TSMSIDC),, 2nd Floor, DM and HS Campus, Sultan Bazaar, Koti, Hyderabad.
8. The Registrar, Kaloji Narayana Rao University of Health Sciences (KNRUHS), Nizampura, Warangal, Telangana.
9. The Principal Secretary, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.
10. The Secretary, Ministry of Law and Justice, Union of India, 4th Floor, A-Wing, Shastri Bhawan, New Delhi - 110 001. (email - secylaw-dla@nic.in)

11. The Board of Governors through its Joint Secretary, National Medical Commission, Pocket- 14, Sector - 8, Dwarka Phase -1, New Delhi - 110077, INDIA. (Email. mci@bol.net.in)
12. The Directorate of Medical Education, Government of Telangana Koti, Hyderabad, E-mail. dme@telangana.gov.in
13. The Registrar, Dr YSR University, Vijayawada, Krishna District. (1 to 13 by RPAD along with a copy of petition and affidavit)
14. One CC to SRI. ANUP KOUSHIK KARAVADI Advocate [OPUC]
15. One CC to SRI. P THIRUMALA RAO Advocate [OPUC]
16. Two CCs to GP FOR Medical & Health, High Court at Hyderabad.
[OUT]
17. Two CCs to GP FOR Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati
18. Two spare copies

HIGH COURT

AKSJ & RRNJ

DATED:12/07/2023

post on 09-08-2023



NOTICE BEFORE ADMISSION

WP.Nos.18047 & 18216 of 2023

DIRECTION