

**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**W.P. No. 31167 of 2023**

**Between:**

Bolla Uday Kumar

**... Petitioner**

**And**

The State of Telangana and others

**... Respondents**

**JUDGMENT PRONOUNCED ON: 15.04.2024**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be : Yes  
marked to Law Reporters/Journals?
3. Whether Their Lordships wish to : Yes  
see the fair copy of the Judgment?

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**SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P. No. 31167 of 2023****% 15.04.2024****Between:**

# Bolla Uday Kumar

... Petitioner

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... Respondents

&lt; Gist:

&gt; Head Note:

!Counsel for the Petitioner: Mr A.Phani Bhushan

^Counsel for Respondent No.1: G.P. for Higher Education

^counsel for Respondents 2 and 3: Mr Ch. Jagannatha Rao

? Cases Referred:

**HON'BLE MRS JUSTICE SUREPALLI NANDA****W.P. No. 31167 of 2023****ORDER:**

Heard Mr A.Phani Bhushan, learned counsel appearing on behalf of the petitioner, learned Government Pleader for Higher Education appearing on behalf of the 1<sup>st</sup> respondent and Mr Ch.Jagannatha Rao, learned standing counsel appearing on behalf of respondent Nos. 2 and 3.

**2. The petitioner approached this Court seeking prayer as under:**

"to issue a writ or order or directions more particularly one in the nature of the Writ of Mandamus to declare the action of the respondents, more particularly, respondent No.3 in depriving the admission to the petitioner herein in Master of Commerce (Marketing) in 2<sup>nd</sup> respondent's University, though, he secured 76<sup>th</sup> rank and provisionally allotted seat in 1<sup>st</sup> phase counselling in open category in M.Com (Marketing) and compelled the petitioner to pay the course fee of Rs.20,800/- and cancelling the said allotment is being arbitrary, illegal, unjust, perverse and contrary to the provisions of the Presidential Order, besides being violation of Articles 14, 16 and 21 of the Constitution of India and seeking

consequential direction to the respondents to admit the petitioner for prosecuting M.Com (Marketing) pursuant to the Common Post Graduation Entrance Test, 2023 with all consequential benefits."

**3. The case of the petitioner, in brief, as per the averments made by the petitioner in the affidavit filed in support of the present writ petition is as under:**

a) The petitioner hails from Backward Community and poor family background. The petitioner was graduated in B.Com from University of Delhi and prepared for Civil Services Examination, apart from the petitioner's academic studies. The petitioner made an application through online for Master of Commerce (M.Com) Admission Course offered for faculty of Commerce by the 3<sup>rd</sup> respondent university through a notification issued by the 2<sup>nd</sup> respondent university.

b) The petitioner was issued with hall ticket bearing No.51095770321 indicating the date of examination as 09.07.2023 and the petitioner appeared on the said date for the Common Post Graduate Entrance Test. The Respondent university had declared results through website where the petitioner downloaded the rank card and secured 56 marks, got 76<sup>th</sup> State Rank.

c) The petitioner participated in the first phase counselling through online, after satisfying preliminary certificate verification and all the eligibility criteria of the petitioner the university had provisionally allotted with admission and informed that the site is opened for exercising web options. The petitioner exercised web options on 23.09.2023 and the petitioner was allotted seat in 2<sup>nd</sup> opted college i.e. the University College of Commerce and Business Management, Osmania University Campus, Hyderabad, in M.Com (Marketing) under regular, open, general category. The petitioner paid course fee of Rs.20,800/- on 30.09.2023 with transaction ID C22988634 and downloaded the acknowledgment card.

d) As the petitioner was not satisfied with the above said course, the petitioner participated in the 2<sup>nd</sup> phase counselling and exercised options on 14.10.2023, only in one college i.e. University College of Commerce and Business Management, Osmania University Campus, Hyderabad for M.Com (Finance) Course, i.e. the 2<sup>nd</sup> respondent. The petitioner while checking for provisional allotment status through website on 29.10.2023, found that the seat was not allotted.

Consequently, the petitioner raised a complaint through e-mail with enquiry ID: 115423 with a subject "allotted seat was cancelled". The petitioner requested the 2<sup>nd</sup> respondent to consider the petitioner's candidature for earlier allotted M.Com (Marketing) course seat for which the university acknowledged the receipt on 29.10.2023, but till date there is no response.

e) With no other option left, the petitioner enquired with the respondent university about petitioner's Post Graduation seat cancellation through university helpline numbers. Thereafter, the respondent university replied that the petitioner is non local to the respondent university.

f) To that effect the petitioner had obtained residence-cum-local area certificate from the concerned Tahsildar, Suryapet District, which is petitioner's native place and is evident that the petitioner is the resident for four consecutive academic years, out of seven years preceding the qualifying examination to the Common Post Graduation Entrance Test, 2023 at the 2<sup>nd</sup> respondent university. Aggrieved by the action of the 2<sup>nd</sup> respondent, the petitioner filed the present writ petition.

**PERUSED THE RECORD**

**4. Respondent Nos.2 and 3 filed counter affidavit and in particular, at para 2, reads as under:**

"2) In response to the various Paras of the affidavit filed by the petitioner, I submit that the Convener & Director of CPGET has diligently fulfilled his duties in accordance with prescribed protocols, ensuring the integrity of the entire process. As per Government order G.O.No.646, dt: 10.07.1979, the Petitioner is classified as a non-local, despite having completed his SSC and Intermediate Education within our state. It is further submitted that the relevant qualifying Examination is B.Com. for the Admission into M.Com Course. As per the Annexure-I enclosed to the CPGET-2023 general rules, Regulations and Instructions as mentioned in Para (7), the Petitioner is falling under Non-Local category as he has passed relevant qualifying Examination of B.Com from other State. Therefore as per his ranking he is not coming in the Zone of Consideration for admission into M.Com.(Marketing). However, due to mistake the petitioner given Admission into M.Com. Commerce in first phase of Counselling. However after rectifying the mistake as per rules the petitioner was given admission into M.Com.(IS) i.e., another branch in the very same College under Non- Local category. This classification is pivotal in determining eligibility for further admission into higher education courses within our state. Even though the candidate claimed to be a local candidate on the application form, it was later discovered during final

verification that he belongs to the non-Local category according to his educational certificates for further higher education. As a result, the provisional allotment of admission was cancelled.

The adherence to G.O.No.646 underscores CPGET's commitment to following established guidelines, promoting fairness and transparency in the admission process. This ensures that candidates are evaluated based on their Local or Non-Local status, contributing to an equitable and just selection process.

**5. Learned counsel appearing on behalf of the respondents submits that a bare perusal of the provisional allotment order issued to students in general indicates that allotment of seat is provisional and it will be confirmed only after verification of all original certificates by authorised person of allotted College. The Rules of Admission in accordance with the A.P. Educational Institutions (Regulation of Admission) Order, 1974 and in particular, Clause B, reads as under:**

**"Clause B: Local Candidate:**

1. A candidate for admission to any course of study shall be regarded as a local candidate in relation to local area:

- i) If he/she has studied in a educational Institution or 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/she 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/she appeared or as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in any educational institution if he/she 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 in which he/she appeared or, as the case may be, first appeared.

2. A candidate for admission to any course of study who is not regarded as a local candidate under subparagraph 1(i) in relation to any local area shall:

(a) If he / she has studied in an educational institution in the State for a period of not less than seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be first appeared for the relevant qualifying examination be regarded as a local candidate in relation to:

i) Such local area where he/she has studied for the maximum period out of the said period of seven years.

or

(ii) Where the periods of study in two or more local areas are equal, such local area where he/she has studied last in such equal periods.

or

b) If, during the whole or any part of the seven consecutive academic years ending with the academic year in which he/she appeared, or as the case may be, first appeared for the relevant qualifying examination, he/she has studied in the educational institution in any local area, but has resided in the State during the whole of the said period of seven years be regarded as a local candidate in relation to

(i) Such local area where he/she has resided for the maximum period out of the said period of seven years.

or

(ii) Where the periods of his/her residence in two or more local areas are equal, such local area where he/she has resided last in such equal periods."

**6. The learned counsel appearing on behalf of the respondent referring to rules of admission in force, contends that the petitioner studied Maximum period at Delhi, petitioner graduated at Delhi, hence, petitioner is a non-local as per Rule 2(a)(i) of the Admission Rules.**

**7. Taking into consideration, the relevant rule position governing the admission of the petitioner in**

particular Rule 2(a)(i) of Rules of Admission in force, and duly taking into consideration Rule (B) which explains who a local candidate is (referred to and extracted above) and duly taking into consideration the averments made at para '2' of the counter affidavit filed by respondent Nos.2 and 3 (referred to and extracted above) the Writ Petition is dismissed since the same is devoid of merits. However, there shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

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**SUREPALLI NANDA, J**

Dated: 15.04.2024

**Note:** L.R. copy to be marked  
(B/o) *Yvkr*