
(1993) 09 AP CK 0007

In the Andhra Pradesh High Court

Case No : Writ Petition No. 7658 of 1993

Dr. Bajji Prabhakar

APPELLANT

Vs

University of Health Sciences and Another

RESPONDENT

Date of Decision : 07-09-1993

Acts Referred:

Citation : (1993) 3 ALT 184

Hon'ble Judges : P. Venkatarama Reddi, J

Bench : Single Bench

Advocate : Namburi Guru Gopal and S.R. Sanku, for the Appellant; S. Ramamoorthy Reddy, S.C., for the Respondent

Final Decision : Allowed

Judgement

P. Venkatarama Reddi, J.—The petitioner is an applicant for admission into Post-Graduate Medical Course in Dr. B.R.K.R. Ayurvedic Medical College, Hyderabad for the year 1992-93. He obtained Rank No. 12. He filed this writ petition seeking for a direction to the respondents to provide a seat to the petitioner in M.D. Kayachikitsa Speciality (K.C.) or S.S.P. Speciality. However, in the course of arguments, the petitioner confined his claim to Dravyaguna Speciality of M.D. Ayurveda and submits that the action of the respondents in not allotting him a seat is illegal and arbitrary. The petitioner belongs to the local area of Osmania University. In Dravyaguna, there are six seats out of which three are reserved for candidates from different States. It is submitted in the counter-affidavit that the reservation on the basis of caste and local area is not applicable where the available seats do not exceed three. The statement in the counter is based on the first proviso to paragraph 6 of the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order 1974. In spite of this admitted position, it appears three candidates from three different local areas have been assigned seats in Dravyaguna Speciality also. In the process, a candidate of Sri Venkateswara University area who has got lesser rank than the petitioner has been allotted a seat to the exclusion of the petitioner. The action of the

respondents in doing so is clearly unjustified.

2. The learned Standing Counsel for the respondents submits that candidates have already been admitted and if the petitioner wants a seat he should question the selection of the last candidate admitted by impleading him as a party. I do not think that the petitioner shall be non-suited on the ground that the selected candidate has not been impleaded. It is to be seen that even after the petitioner filed this writ petition and pinpointed the illegality in the selection, the respondents have admitted the candidate according to the local area reservation. In such a case, the proper course would be to accommodate the petitioner in a supernumerary seat to be created instead of depriving another candidate of the admission at this stage. The mistake committed by the respondents has got to be rectified without detriment to the selected candidates. I do not think that providing one additional seat will in any way dilute the academic standards or create academic problems to the Institution. I would therefore allow the writ petition with a direction to the respondents to admit the petitioner into Dravyaguna Speciality of M.D. Ayurvedic Course, irrespective of the fact whether there is a vacant seat or not. No order as to costs.