
(2022) 11 TEL CK 0047
In the Telangana High Court
Case No : Writ Petition No. 41695 Of 2022

Dr. Salman Mahmood

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 18-11-2022

Acts Referred:

Citation : (2022) 11 TEL CK 0047

Hon'ble Judges : ABHINAND KUMAR SHAVILI , j;NAMAVARAPU RAJESHWAR RAO, J

Bench : Division Bench

Advocate : V Ramchander Goud

Final Decision : Disposed Of

Judgement

1. This writ petition is filed seeking the following relief:

"...to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus directing respondent No.2-University to allow the petitioner to participate in the forthcoming further phases of counseling under Management Quota for admission in PG Medical Courses for the academic year 2022-23 and pass such other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and in the interest of justice."

Heard Sri V.Ramchander Goud, learned counsel appearing for the petitioner, learned Government Pleader for Medical Health and Family Welfare appearing for the 1st respondent and Sri A.Prabhakar, learned counsel appearing for the 2nd respondent.

It is the case of the petitioner that he has appeared for NEET-PG Entrance Examination 2022 and he has secured decent marks. Thereafter, he responded to the admission notification issued by the 2nd respondent-University. However, he was not coming within the zone of consideration in the first phase of counselling and when cut off marks were reduced by the 2nd respondent-University, he became eligible to participate in the 2nd phase of counseling. While so, the 2nd

respondent-University has issued notification on 06.11.2022 inviting online application forms for qualified candidates for admission into Post Graduate Medical Course for second phase of counseling under Management Quota. Since the father of the petitioner was admitted in hospital, he could not exercise web options pursuant to the notification issued on 06.11.2022. Hence, the writ petition.

Learned counsel appearing for the petitioner has drawn our attention to a clause in the notification dated 06.11.2022, wherein it is stated that the candidates who have not exercised web options in the first phase of counseling are also not eligible to exercise web options and the said clause might have come in the way of the petitioner for participating in the Mop-up/3rd phase of counselling.

Learned counsel appearing for the petitioner has given an undertaking affidavit before this Court on 18-11-2022 to the effect that if the petitioner has admitted in Mop-up/ 3rd phase of Counselling, he would not forego the seat to which he would be allotted. Further, the petitioner has submitted a representation to the 2nd respondent-University on 14.11.2022. So far, the 2nd respondent-University has not passed any orders on the said representation. Therefore, appropriate orders be passed in the writ petition by directing the 2nd respondent-University to consider the representation submitted by the petitioner on 14.11.2022 and also take into consideration the undertaking given before this Court on 18-11-2022.

Learned Standing Counsel appearing for the 2nd respondent-University had contended that if the petitioner is permitted to participate in the Mop-up/3rd phase of Counselling, there is every chance of the petitioner obtaining a seat, thereby depriving the seat to the eligible candidate and that is the reason why the University has put a clause in the notification dated 06.11.2022 to the effect that the candidates who have not exercised web options in the first phase of counseling are also not eligible to exercise web options. However, since the representation of the petitioner is pending with the University, the University would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that this writ petition can be disposed of by directing the 2nd respondent-University to consider the representation dated 14.11.2022 submitted by the petitioner and also the undertaking given by the petitioner before this Court on 18-11-2022 and pass appropriate orders in accordance with law. However, it is made clear that if the petitioner foregoes the seat which was allotted to him in the Mop-up/3rd phase of counselling, the University is at liberty to take appropriate action in accordance with Rules. It is needless to say that the above exercise should be completed by the 2nd respondent-University before issuance of any other notification in the Mop-up/3rd phase of counseling.

With the above observations, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.