
(2012) 09 AP CK 0013
In the Andhra Pradesh High Court
Case No : Writ Petition No. 22956 of 2012

M. Manasa

APPELLANT

Vs

Osmania University and Another

RESPONDENT

Date of Decision : 03-09-2012

Acts Referred:

Citation : (2013) 3 ALD 55 : (2013) 4 ALT 63

Hon'ble Judges : R. Subhash Reddy, J

Bench : Single Bench

Advocate : Venkat Raghu Ramulu, for the Appellant; Deepak Bhattacharjee, for the Respondent

Final Decision : Dismissed

Judgement

R. Subhash Reddy, J.—This writ petition is filed seeking directions by way of mandamus, declaring the action of respondent No. 1 in rejecting the case of the petitioner for admission into Master's Degree in Hospital Management in Apollo Institute of Hospital Administration, Jubilee Hills, Hyderabad for the year 2012-2014, as illegal and arbitrary. It is the case of the petitioner that she is an applicant to the course of Master's Degree in Hospital Management for the academic year 2012-14. The 1st respondent has issued notification for admission into Apollo Institute of Hospital Administration and Deccan School of Management. Pursuant to the notification issued by the 1st respondent, an entrance test was conducted on 3.6.2012, in which, the petitioner has secured 4th rank. It is the case of the petitioner that she did her schooling from 1st to 10th class in Mahabubnagar and Intermediate education in Hyderabad and studied BDS course in C.K.S. Teja Institute of Dental College, Tirupati during the years from 2005 to 2010. It is her case that in spite of the fact that she is a local candidate and opted for admission in Apollo Institute of Hospital Administration, in the counselling held on 30.6.2012, she was deprived of seat in the said institute, though the 1st ranker could not participate in the counselling. Primarily, it is the case of the petitioner that though she is a local candidate, respondents

have shown her as a non-local candidate and denied admission in Master's Degree course. It is stated that as the petitioner was denied admission in the counselling held on 30.6.2012, she was compelled to take seat in management quota in Apollo Institute of Hospital Administration and is pursuing the course. It is also stated that even if the case of the petitioner is considered in nonlocal category, she is eligible for admission in Apollo Institute of Hospital Administration.

2. The 1st respondent has filed counter-affidavit. In the counter, while denying the allegations made by the petitioner, it is stated that the 1st respondent is a body corporate, functioning under the A.P. Universities Act, 1991, and that it has issued notification inviting applications for admission into Master's Degree course in Hospital Management. It is stated that as per the rules of admission, in accordance with the A.P. Educational Institutions (Regulation of Admissions) Order, 1974, as the petitioner has studied her qualifying degree in Tirupati during the years from 2005-2010, she is a non-local candidate in respect of admissions in Osmania University. It is stated that the petitioner has studied for 5 consecutive academic years during her qualifying degree at Tirupati, which is a non-local area for Osmania University. It is further stated that in Apollo Institute of Hospital Administration, out of total seats of 45, only 32 seats are available in Convener quota, for which, admissions are to be made by the Directorate of Admissions, Osmania University, and the remaining seats will be filled in management quota. It is stated that out of 32 seats, 16 seats are for open category and 16 are for reserved category candidates. The petitioner is an open category non-local candidate and as per rules, the eligible seats for non-local open category candidates are only first two seats (first 15% of the 16 open category seats). It is stated that as per her rank, the petitioner was eligible for admission in management quota in Deccan School of Management, where the petitioner was eligible for admission in non-local open category, but the petitioner was not interested to join in Deccan School of Management and endorsed the same.

3. In this writ petition, it is submitted by the learned Counsel for petitioner Sri Venkat Raghu Ramulu, that the respondents have wrongly applied reservation for 15% non-local seats, otherwise, the petitioner should have been selected. In this connection the learned Counsel has placed reliance on the judgment of Hon'ble Supreme Court in the case of N.T.R. University of Health Sciences, Vijaywada Vs. G. Babu Rajendra Prasad and Another,

4. In this case, it is to be noticed that the petitioner was holding Rank No. 4. It is true that the 1st ranker has not taken admission, but 2nd and 3rd rankers, who are non-local and local candidates respectively, have taken admission under non-local open category seats. As per the Presidential Order, as the petitioner has admittedly studied in C.K.S. Teja Institute of Dental College, Tirupati, which is outside the local area of Osmania University, she will be treated as a non-local candidate for admissions in Osmania University. In that view of the matter, the

claim of petitioner that she is wrongly treated as a non-local candidate, is without any merit. May be that the petitioner has studied her schooling and Intermediate education in Osmania University local area, but when the qualifying examination is BDS and when she has studied such course in Tirupati, which does not come under the local area of Osmania University, she cannot be treated as local candidate for the purpose of admission into Master's Degree.

5. The judgment of the Hon''ble Supreme Court in the case of NTR University of Health Science's case (supra), relied on by the learned Counsel for petitioner cannot be applied for this case, for the reason that in the aforesaid judgment, with regard to postgraduate admissions, when there are only limited number of seats available for non-local category and reservations are not given effect to, the Supreme Court has held that there is no illegality in not providing for reservations in the seats representing 15% for non-local candidates. In the case on hand, in view of the number of seats available, it cannot be said that reservation for SCs, STs and OBCs cannot be applied within the 15% unreserved seats, for the purpose of making admissions. Admittedly, 2nd and 3rd rank holders who are local and non-local candidates respectively, are already admitted in two open category seats in non-local area. So far as the 15% seats are concerned, they are for non-local open category candidates. In that view of the matter, even a local candidate can come for admission if he secures suitable rank, in that 15% also. Further, it is to be noticed that this writ petition was filed at the time of admissions, and subsequent to filing of this writ petition, as the petitioner is already admitted in MDS course in management quota, I do not find any merit in this writ petition, so as to interfere at this stage.

6. For the aforesaid reasons, the writ petition is devoid of merit and it is accordingly dismissed. No costs. As a sequel, WPMP No. 29329 of 2012 stands closed.