

(2022) 12 TEL CK 0085
In the Telangana High Court
Case No : Writ Petition No. 45487 Of 2022

M.V. Sai Gayathhri

APPELLANT

Vs

State Of Telangana

RESPONDENT

Date of Decision : 20-12-2022

Acts Referred:

Citation : (2022) 12 TEL CK 0085

Hon'ble Judges : Abhinand Kumar Shavili, J; Namavarapu Rajeshwar Rao, J

Bench : Division Bench

Advocate : S Girimoji Rao

Final Decision : Disposed Of

Judgement

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

"...to issue a writ order or direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondents particularly, the 2nd respondent in not permitting the petitioner to exercise web options of Stray Vacancy counseling under "B" and "C" category under Management Quota in next phase of counseling for the academic year 2022-23 as illegal, arbitrary and unconstitutional and consequently, direct the respondents to consider and permit the petitioner to exercise web options Stray Vacancy counseling under "B" and "C" category under Management Quota in next phase of counseling for the academic year 2022-23 for medical admission into MBBS/BDS course and pass ..."

2. Heard Sri S. Girimoji Rao, learned counsel for the petitioner, learned Government Pleader for Medical, Health and Family Welfare appearing for the 1st respondent; and Sri A. Prabhakar Rao, learned Standing Counsel for the 2nd respondent University.

3. It has been contended by the petitioner that she has appeared for National Eligibility-cum Entrance Test (UG)-2022 for admission into MBBS/BDS course and

secured a decent rank. The petitioner got registered for admission into MBBS/BDS course under "B" category in the first phase of counseling. Owing to various financial crisis, the petitioner could not take up the admission in pursuance of the allotment made by the 2nd respondent University. Petitioner further contended that there are some vacancies in MBBS/BDS course and the 2nd respondent University is conducting mop-up or Stray Vacancy Counseling for admission into MBBS/BDR. In those set of circumstances, petitioner had submitted a detailed representation on 19.12.2022 requesting the 2nd respondent University to permit her to participate in mop-up or Stray Vacancy Counseling. But, so far the 2nd respondent University is not permitting the petitioner to participate in the mop-up or Stray Vacancy Counseling on the ground that the petitioner was already allotted a seat in the first phase of counselling.

4. Learned counsel for the petitioner further contended that though the 2nd respondent University has allotted a seat to the petitioner under "B" category, petitioner has not taken up the seat in pursuance of the said letter, and subsequently, petitioner could not get seat in the first phase as well as second phase of counseling. Therefore, petitioner approached the 2nd respondent University to permit her to participate in the 2nd phase of counselling for admission into MBBS/BDS course. But, the 2nd respondent University is not permitting her to exercise web options. Therefore, appropriate orders be passed in the Writ Petition directing the 2nd respondent University to consider the representation of the petitioner submitted on 19.12.2022 and pass appropriate orders in accordance with law.

5. On the other hand, learned Standing counsel for the 2nd respondent University contended that since petitioner was allotted a seat in the first phase of counseling, and as per the Rules, petitioner is not entitled for participation in the mop-up as well as Stray Vacancy counseling. He further contended that if the petitioner undertakes that she will not forgo her seat if she is admitted in mop-up or Stray vacancy counseling, then the request of the petitioner would be considered, otherwise, the seat would be filled up by management by treating it as "C" category.

6. Having considered the rival contentions made by the parties, this Court is of the considered view, that petitioner had participated in the 1st phase of counseling and she was allotted a seat in Karimnagar Medical College under management quota in "B" category for MBBS course. As per the allotment letter, petitioner was supposed to report to the allotted college on or before 17.11.2022 by 4.00 p.m., and when petitioner approached the allotted college on 15.11.2022, the college informed her that she had to pay fees for the first year and also to furnish a bank guarantee for the next academic year. Though petitioner was ready to pay the fees, but the college insisted for a bank guarantee for next year, due to which, petitioner could not report to the college on 17.11.2022. Therefore, petitioner approached the 2nd respondent University to permit her to participate in 2nd phase of counseling as she was ready with

bank guarantee. But, the 2nd respondent University did not even permit her for exercising web options in the 2nd phase of counseling on the ground that she failed to report to the college within the time stipulated in the first phase allotment of seat in allotted college. Subsequently, petitioner requested the 2nd respondent University to permit her to appear for Stray Vacancy Mop-up round counseling under management quota, but the 2nd respondent University has not considered the petitioner's request. In those set of circumstances, petitioner also submitted a representation to the 2nd respondent University on 19.12.2022 to consider her case for Stray vacancy and Mop-up Counselling, but the 2nd respondent University has not passed any orders on the said representation. Therefore, this Court is of the view that the present Writ Petition can be disposed of by directing the 2nd respondent University to consider the representation submitted by the petitioner on 19.12.2022 and pass appropriate orders in accordance with law as expeditiously as possible.

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

Miscellaneous petitions, if any, pending shall stand closed.