

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**

WRIT PETITION NO: 18357 OF 2023

Between:

Dr. S. Rachana Varma, age 27 years, MD Pathology 1st Year, Villa No. 83,
Sark Two Villas, Mokila to Kondakal Road, Mokila , Shankarpalli, Ranga
Reddy-501203.

...PETITIONER

AND

1. Union of India, Rep by its Secretary, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi.
2. The Medical Counselling Committee, Through its Director, Directorate General of Health Services, Nirman Bhavan, New Delhi.
3. The National Board of Examination, Through its Director Medical enclave, Ansari Nagar, Ring Road, New Delhi.
4. State of Telangana, Represented by its Chief Secretary, Health, Medical and Family welfare, Secretariat, Hyderabad.
5. State of Telangana, Represented by its Principal Secretary, Health, Medical and Family welfare, Secretariat, Hyderabad.
6. M/s.Kaloju Narayana Rao University of Health Sciences (KNRUHS), Rep.by its Registrar, Warangal, Telagana State.
7. M/s.RVM Institute of Medical Sciences And Reaserch Center, Laxmakkapally Village, Mulugu Mandal, Siddipet District, Telangana State.-502279

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in non-allowing the petitioner to further all rounds of counseling without insisting the

Original Certificates to join into admission of the Post Graduate Medical Degree/Diploma Course for the year of 2023-2024 in the State of Telangana, which is being registration held from 10/07/2023 to 17/07/2023 in pursuance of the National Eligibility Cum Entrance Test (NEET PG) Notification, 2023, dtd. 05/01/2023 as an illegal, ex-facie, arbitrary, discriminatory, unjust, unfair, irrational, unreasonable, unlawful, unconstitutional, inequity and in violative of the Principles of Natural Justice and in violative of Articles 14, 16, 19,21and 21-A of the Constitution of India and against to the catena of the Judgments of this Hon'ble Court and an Apex Court and set aside the same and consequently, direct the respondents to allow the petitioner without insisting the Original Certificates to participate in all rounds of counseling including the first round of counseling for the quota of registration of Telangana is being held from 10/07/2023 to 17/07/2023 for admission into the Post Graduate Medical Degree/Diploma course for the year of 2023-2024 in the State of Telangana, in pursuance of the National Eligibility Cum Entrance Test (NEET -PG) Notification, 2023, dtd.05/01/2023, in pursuance of the covered orders of the Hon'ble Supreme Court, dtd. 21/10/2022 in W.P.No. 944 of 2022.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to allow the petitioner without insisting the Original Certificates to participate in all rounds of counselling including the first round of counselling for the quota of registration of Telangana is being held from 10/07/2023 to 17/07/2023 for admission into the Post Graduate Medical Degree/Diploma course for the year of 2023-2024 in the State of Telangana, in pursuance of the National Eligibility Cum Entrance Test (NEET -PG) Notification, 2023, dtd.05/01/2023, in pursuance of the covered orders of the Hon'ble Supreme Court, dtd: 21/10/2022 in W.P.No. 944 of 2022, pending disposal of the above Writ petition.

IA NO: 4 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to modify the orders of this Hon'ble Court passed in I.A.No.3 of 2023 in W.P.No.18357 of 2023, dtd:5.09.2023 by extending the time of submission of the original academic educational certificates of the petitioner to the 8th respondent for 6 Weeks, pending disposal of the above Writ petition.

Counsel for the Petitioner: SRI PRABHAKAR CHIKKUDU

**Counsel for the Respondent No.1 to 3: SRI GADI PRAVEEN KUMAR,
Dy. SOLICITOR GENERAL OF INDIA**

**Counsel for the Respondent No.4: SRI G.VEERASWAMY,
GP FOR GENERAL ADMINISTRATION**

Counsel for the Respondent No.5: SRI A.PRABHAKAR RAO, SC FOR KNRUHS

**Counsel for the Respondent No.6: SRI T.RAMESH,
AGP FOR HEALTH, MEDICAL & FAMILY WELFARE**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

Writ Petition No.18357 of 2023

ORDER. *(Part of Order of the Chief Justice Alok Aradhe)*

Mr. Prabhakar Chikkudu, learned counsel for the petitioner.

Mr. G.Veeraswamy, learned Government Pleader for General Administration Department appears for respondent No.4.

Mr. A.Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appears for respondent No.5 (for short 'the University').

Mr. T.Ramesh, learned Assistant Government Pleader for Health, Medical and Family Welfare Department appears for respondent No.6.

2. In this writ petition, the petitioner *inter alia* has prayed for the following relief:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Court may

be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not allowing the petitioner to further all rounds of counseling without insisting the Original Certificates to join into admission of the Post Graduate Medical Degree/Diploma Course for the year of 2023-2024 in the State of Telangana, which is being registration held from 10.07.2023 to 17.07.2023 in pursuance of the National Eligibility -Cum- Entrance Test (NEET PG) Notification, 2023 dt. 05.01.2023 as illegal, *ex facie*, arbitrary, discriminatory, unjust, unfair, irrational, unreasonable, unlawful, unconstitutional, inequity and in violative of the Principles of Natural Justice and in violative of Articles 14, 16, 19, 21 and 21-A of the Constitution of India and against to the catena of the Judgments of this Court and Apex Court and set aside the same and consequently direct the respondents to allow the petitioner without insisting the Original Certificates to participate in all rounds of counselling including the first round of counselling for the quota of registration of Telangana is being held from 10.07.2023 to

17.07.2023 for admission into the Post Graduate Medical Degree/Diploma course for the year of 2023-2024 in the State of Telangana in pursuance of the National Eligibility -cum- Entrance Test (NEET-PG) Notification 2023 dt. 05.01.2023 in pursuance of the covered orders of the Supreme Court dt. 21.10.2022 in W P No 944 of 2022 and pass such orders as this Court may deem fit and proper in the circumstances of the case in the interest of justice. ”

3. A Division Bench of this Court passed an interim order on 13.07.2023, in pursuance of which the petitioner has been admitted to M.D. Physiology for the academic year 2023-24 and has already completed one year of the course.

4. The academic year 2023-24 is over. In view of the aforesaid interim order as well as on account of efflux of time, no further orders are required to be passed in the writ petition. However, the issue involved in the writ petition is kept open to be agitated in an appropriate proceeding.

5. The Writ Petition is, accordingly, disposed of. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

SD/-T. TIRUMALA DEVI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Ministry of Health and Family Welfare, Nirman Bhavan, New Delhi, Union of India.
2. The Director, Medical Counselling Committee, Directorate General of Health Services, Nirman Bhavan, New Delhi.
3. The Director, National Board of Examination, Medical enclave, Ansari Nagar, Ring Road, New Delhi.
4. The Chief Secretary, Health, Medical and Family Welfare, Secretariat, Hyderabad, State of Telangana.
5. The Principal Secretary, Health, Medical and Family welfare, Secretariat, Hyderabad, State of Telangana.
6. The Registrar, M/s. Kaloju Narayana Rao University of Health Sciences (KNRUHS), Warangal, Telangana State.
7. M/s.RVM Institute of Medical Sciences And Research Center, Laxmakkapally Village, Mulugu Mandal, Siddipet District, Telangana State.-502279
8. One CC to SRI PRABHAKAR CHIKKUDU, Advocate [OPUC]
9. One CC to SRI A.PRABHAKAR RAO, SC FOR KNRUHS [OPUC]
10. One CC to SRI GADI PRAVEEN KUMAR, Dy. SOLICITOR GENERAL OF INDIA, High Court for the State of Telangana at Hyderabad [OPUC]
11. Two CCs to GP FOR HEALTH, MEDICAL & FAMILY WELFARE, High Court for the State of Telangana at Hyderabad [OUT]
12. Two CCs to GP FOR GENERAL ADMINISTRATION, High Court for the State of Telangana at Hyderabad [OUT]
13. Two CD Copies

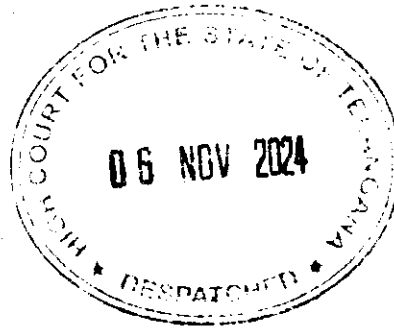
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HIGH COURT

DATED: 28/10/2024



ORDER

WP.No.18357 of 2023

DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

(17)
Ogduley
bvs