

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

MONDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

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

WRIT PETITION NO: 27158 OF 2024

Between:

Kondabathina Kavya, D/o Kondabathina Madhava, Aged about 18 Years,
Occ: Student, R/o. H.No. Plot No.11, SY No. 38, Vambay Colony, Laxmiguda
, Rajendra nagar , kattedan Po Kattedan Dist. K.V Ranga Reddy, Telangana -
500077

...PETITIONER

AND

1. State of Telangana, Represented by its Principal Secretary, Medical Health and Family Welfare Department, Secretariat, Hyderabad.
2. Kalaji Narayana Rao University of Health Sciences, Rep. by its Registrar, Warangal, Telangana State.
3. The National Testing Agency, Through its chairperson First floor. NSIC-MDBP Building, Olchla Industrial Estate , New Delhi - 110020

...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 For the reasons mentioned above I humbly submit that the present Writ petition is filed seeking the issuance of an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus and Declaration, thereby, Declaring the action of Respondent No. 2 University in notifying the petitioner as Not Eligible by treating as Non-local (NL) in its List of Not eligible candidates dated 24-09-2024 despite petitioner being eligible to be considered as Local Candidate as per Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide G.O. Ms.

No. 33 issued by Health, Medical and Family Welfare (C1) Department dated 19-07-2024, as illegal, arbitrary, violative of Article 21 of the Constitution of India and Contrary to Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide G.O. Ms. No. 33, and Consequently, direct the Respondent No. 2 to treat the Petitioner as a Local candidate for all the purposes of Admission into MBBS and BDS courses for the Academic year 2024- 2025 under the aegis of KNR University of Health Sciences, Telangana State as this Hon'ble Court may deem fit in the best interest of justice.

IA NO: 1 OF 2024

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 Respondent No. 2 to treat the petitioner as a local candidate in the Telangana State for admission into MBBS/ BDS under Competent quota 2024-2025 in pursuant to NEET-UG 2024 in accordance with Rule 3(a)(ii) of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rules, 2017 as amended vide G.O. Ms. No. 33 issued by Health, Medical and Family Welfare (C1) Department dated 19-07-2024, pending disposal of the present Writ petition

Counsel for the Petitioner: SRI. VADDEPALLI GANESH

**Counsel for the Respondent No.1: SRI A. SUDARSHAN REDDY
THE ADVOCATE GENERAL**

**Counsel for the Respondent No.2: SRI A. PRABHAKAR RAO,
S.C. FOR KNRUHS**

**Counsel for the Respondent No.3: SRI GADI PRAVEEN KUMAR
DEPUTY SOLICITOR GENERAL OF INDIA**

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. 27158 of 2024

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

Mr. Vaddepalli Ganesh, learned counsel appears for the petitioner.

Mr. A. Sudarshan Reddy, learned Advocate General appears for the State.

Mr. A. Prabhakar Rao, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appears for respondent No.2.

2. In this Writ Petition, the petitioner *inter alia* assails the validity of Rule 3(a)(ii) of Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, as amended *vide* G.O.Ms.No.33, Health, Medical & Family Welfare (C1) Department, dated 19.07.2024, and prays for a direction to the respondent University to treat her as a local candidate for the purpose of admission to MBBS and BDS Courses for the academic year 2024-25.

3. Learned counsel for the respondent University submits that the process of admissions to MBBS and BDS Courses has been completed and the course has commenced. It is further

submitted that the issue with regard to validity of Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, is pending before the Supreme Court in Special Leave Petition (C) Nos.21536-21588 of 2024 in which the Supreme Court by an order dated 20.09.2024 has stayed the common order dated 05.09.2024 passed by a Division Bench of this Court in Writ Petition No.21910 of 2024 and batch.

4. Therefore, in the facts and circumstances of the case, the Writ Petition is disposed of with liberty to the petitioner to take recourse to such remedy as may be available to her in law in the light of the order dated 20.09.2024 passed by the Supreme Court in Special Leave Petition (C) Nos.21536-21588 of 2024.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

Sd/- N. SRIHARI
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Medical Health and Family Welfare Department, Secretariat, Hyderabad.
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana State.
3. The National Testing Agency, Through its chairperson First floor. NSIC-MDBP Building, Olchla Industrial Estate, New Delhi - 110020
4. One CC to SRI VADDEPALLI GANESH, Advocate [OPUC]

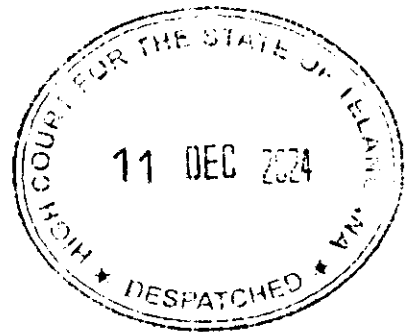
5. One CC to SRI A. PRABHAKAR RAO, S.C. FOR KNRUHS [OPUC]
6. One CC to SRI GADI PRAVEEN KUMAR, Deputy Solicitor General of India [OPUC]
7. Two CCs to SRI A. SUDARSHAN REDDY, THE ADVOCATE GENERAL, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

Kp KKS

MP

HIGH COURT

DATED:18/11/2024



ORDER

WP.No.27158 of 2024

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS

11 Copies
[Signature]
2/12/24.