

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: 21519 OF 2023

**Between:**

1. Keshamagari Vibhavari, D/o. K. Tilak Raj, Aged about 17 years. Rep. by her natural Guardian and Father K. Tilak Raj, R/o. D- 9. Meera Apartments, Skyline, Basheerbagh, Hyderabad - 500 029.
2. L. S. Vaishnavi, D/o. A. A. R. Madhavi, Aged 17 years, Rep. by her natural Guardian and Mother A. A. R. Madhavi, R/o. Flat No. 401. Sri Rama Sadanam, 1- 8- 469, Chikkadpally, Hyderabad - 500 020.
3. Methari Joy Joseph, S/o. M. Sanjeeva Rao, Aged about 20 years, R/o. H. No. 4- 7- 25/2/2, Balaji Nagar, Sangareddy District - 502 001.
4. J. Siva Sai Prasanna Kumar, S/o. J. Srinivasu, Aged about 22 years, R/o. H. No. 1- 255/1, Srinivasa Nagar. Indrapalem, Kakinada, East Godavari District State of Andhra Pradesh.
5. Bhukya Gnaneswari, D/o. Pari Singh, Aged 18 years, R/o. 22, Gollapalli, Chandru Thanda post, Kotha Thanda, Tekulapalle. Bhadradri- Kothagudem District - 507 123.

.....PETITIONERS

**AND**

1. Government of India, Ministry of Health and Family Welfare Department, New Delhi, Rep. by its Secretary.
2. National Medical Commission, Rep. by its Chairman, Pocket- 14, Sector- 8, Dwaraka Phase- I, New Delhi - 110 077.
3. National Testing Agency, Rep. by its Chair Person, C- 20, IA/8, Sector- 62, IITK Outrich Centre. Noida, Uttar Pradesh- 201309.
4. State of Telangana, Health, Medical and Family Welfare Department, Telangana Secretariat, Hyderabad, Rep. by its Secretary.
5. KNR University of Health Sciences, Warangal, Rep. by its Registrar.
6. The Deputy Director General, NCC Directorate (AP and T), General Choudhary Road, Secunderabad, Telangana 500003.

.....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 order, direction or Writ more particularly one of the nature of Writ of Mandamus or any other appropriate writ (i) declare the amendment to Rule- 2 of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS courses) Rules, 2017 vide G. O. Ms. No. 75, Health, Medical and Family Welfare (C. I) Department, dated 4- 7- 2023 in replacing the prescription of 1 (PERCENT) horizontal reservation for NCC Cadets by granting grace marks after the Notification by the 3rd Respondent inviting applications for National Eligibility cum Entrance Test (NEET- UG- 2023) published Notification dated 15- 12- 2022 is illegal, arbitrary and unjust (ii) consequently set aside the Rule- 2 of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS courses) Rules, 2017 vide G. O. Ms. No. 75, Health, Medical and Family Welfare (C. I) Department, dated 4- 7- 2023 and (iii) direct the Respondents to make admissions into MBBS and BDS courses under competent authority quota for the academic year 2023- 24 without reference to G.O.Ms.No.75, Health, Medical and Family Welfare (C. I) Department, dated 4- 7- 2023.

**I.A.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 suspend the operation of the G. O. Ms. No. 75, Health, Medical and Family Welfare (C. I) Department, dated 04- 07- 2023 in so far as amending the Rule- 2 of the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS courses) Rules, 2017 with further directions to consider the candidature of the petitioners as per the rules existing prior to the impugned GO. Ms. No. 75 dt - 04- 07- 2023.

**Counsel for the Petitioners : SRI SAI PRASEN GUNDAVARAM**  
**Counsel for the Respondent Nos.1 to 3 & 6 : SRI A.S.VASUDEVAN**  
**Counsel for the Respondent No.4 : SRI T.RAMESH, AGP FOR MEDICAL,**  
**HEALTH AND FAMILY WELFARE DEPT**  
**Counsel for the Respondent No.5: SRI A.PRABHAKAR RAO, SC FOR KALOJI**  
**NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES**  
**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.21519 of 2023

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

None for the petitioners.

Mr. A.S.Vasudevan, learned counsel for respondent

No.1.

Mr. T.Ramesh, learned Assistant Government Pleader for Health, Medical and Family Welfare 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').

2. In this writ petition, the petitioners have prayed for the following relief:

"For the reasons stated in the accompanying affidavit, it is prayed that this Court may be pleased to issue an order, direction or writ, more particularly one in the nature of writ of mandamus or any other appropriate writ  
(i) declare the amendment to Rule-2 of the Telangana Medical and Dental Colleges

Admission (Admission into MBBS and BDS courses) Rules, 2017 *vide* G.O.Ms.No.75 Health Medical and Family Welfare (C.I) Department dated 4.7.2023 in replacing the prescription of 1% horizontal reservation for NCC Cadets by granting grace marks after the Notification by the 3<sup>rd</sup> Respondent inviting applications for National Eligibility -cum- Entrance Test (NEET-UG-2023) published Notification dated 15.12.2022 is illegal, arbitrary and unjust; (ii) consequently set aside the Rule 2 of the Telangana Medical and Dental Colleges (Admission into MBBS and BDS courses) Rules, 2017 *vide* G.O.Ms.No.75 Health Medical and Family Welfare (C.I) Department dated 4.7.2023 and (iii) direct the Respondents to make admissions into MBBS and BDS courses under competent authority quota for the academic year 2023-24 without reference to G.O.Ms.No.75 Health Medical and Family Welfare (C.I) Department dated 4.7.2023 and (iv) pass such other order or orders as this Court may deem fit and proper in the interest of justice.”

3. The petitioners are seeking relief of admission to MBBS course for the academic year 2023-24.

4. The academic year 2023-24 is over. No interim relief was granted to the petitioners. Therefore, at this point of time, it is not possible to grant any relief to the petitioners. However, the issue of validity of G.O.Ms.No.75 dated 04.07.2023, 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.

SDI-A.V.S. PRASAD  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Secretary, Government of India, Ministry of Health and Family Welfare Department, New Delhi.
2. The Chairman, National Medical Commission, Pocket- 14, Sector- 8, Dwaraka Phase- I, New Delhi - 110 077.
3. The Chairperson, National Testing Agency, C- 20, IA/8, Sector- 62, IITK Outrich Centre. Noida, Uttar Pradesh- 201309.
4. The Secretary, Health, Medical and Family Welfare Department, Telangana Secretariat, State of Telangana at Hyderabad.
5. The Registrar, KNR University of Health Sciences, Warangal.
6. The Deputy Director General, NCC Directorate (AP and T), General Choudhary Road, Secunderabad, Telangana 500003.
7. One CC to SRI SAI PRASEN GUNDAVARAM, Advocate [OPUC]
8. One CC to SRI A.S.VASUDEVAN, Advocate [OPUC]
9. One CC to SRI A.PRABHAKAR RAO, SC FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES Advocate [OPUC]
10. One CC to SRI T.RAMESH, AGP FOR MEDICAL, HEALTH AND FAMILY WELFARE DEPT Advocate (OPUC)
11. Two CD Copies

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**HIGH COURT**

**DATED:28/10/2024**



**ORDER**

**WP.No.21519 of 2023**

**DISPOSING OF THE W.P**

**WITHOUT COSTS.**

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12/11/24

13 Copies.