

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.20904 of 2010**

**ORDER:**

Heard the learned Counsel for the petitioner and none appears for the respondents.

This Writ Petition was filed challenging the action of the respondents in cancelling the admission of the petitioner into B.Tech Degree of Integrated Programme-2010 orally in the middle of academic year for not studying SSC/10<sup>th</sup> Class in Government School.

This Court by order dated 23.08.2010 granted interim direction, pursuant to which the petitioner has been pursuing his course of study and is in final year of the course.

Respondent Nos.1 to 3 filed a counter affidavit stating that the petitioner passed his SSC examination from the Apollo High School, Koyyalagudem, West Godavari District, and as per the admission rules of the University, he belongs to AU area – BC-E - West Godavari District – Rural - Private Management School Category. The petitioner was initially selected under the Government School category (70% of rural area seats). The error occurred because his school was recorded as Aided School in the SSC Examination results data base, which fell under the Government School category. It took a few days for the University to verify and ascertain the true status of the school, and it came to light that the petitioner studied in unaided private management school. As soon as the error was recognized, the petitioner was informed the erroneous selection and the seat was provided for the eligible candidate belonging to the Government School.

The petitioner submitted all the required documents at the time of admission and has not suppressed anything. The admission was given based on those documents, and the error, if any, was committed by

respondent Nos.1 to 3 only. The petitioner cannot be penalized for that. By virtue of the interim orders granted by this Court, the petitioner was pursuing the studies and is in the final year of study. The petitioner has not committed any fraudulent act and it is only a matter of allocation of seats under different categories. It is not equitable to disturb the studies of the petitioner at this length of time.

In the circumstances, the Writ Petition is allowed, and the respondents shall allow the petitioner to continue his B.Tech degree course and complete the same and also issue necessary certificates, if he is otherwise qualified in the examinations. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

28.08.2014

vs