

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY  
AND  
HON'BLE SMT.JUSTICE T.RAJANI**

**WRIT PETITION No.17397 of 2017**

**ORDER:** *(Per Justice A.Rajasheker Reddy, J)*

The case of the petitioners in this writ petition is that they appeared for Post-Graduate Entrance Exam held by National Eligibility and Entrance Test (NEET) for the academic year 2017-18 for admission into Post-Graduate Medical Colleges, but they have not secured the cut-off marks, i.e., 50 percentile and could not participate in the first, second and third phase of counseling.

2. The 3<sup>rd</sup> respondent issued proceedings dated 24.05.2017 reducing the percentile of cut-off marks by 7.5 percentile, taking them to 42.5 percentile for general candidates and 32.5 percentile for reserved category candidates, making it applicable to the academic year 2017.

3. It is the case of the petitioners that all of them belong to general category and they have secured eligibility by virtue of the proceedings dated 24.05.2017 issued by the 3<sup>rd</sup> respondent, but by the time 3<sup>rd</sup> respondent issued the said proceedings, all the seats of service quota were converted into non-service quota by virtue of Rule 7(iii) of G.O.Ms.No.27 dated 10.04.2017, containing the rules called Telangana Medical Colleges (Admission into Post Graduate Medical Courses) Rules, 2017 (for short "the Rules"), as such, they are not in a position to appear for counseling. Once the 3<sup>rd</sup> respondent reduced the percentile of cut-off marks, petitioners are also entitled for the benefit of the same, but, by virtue of clause 7(iii) of the Rules, they are not able to reap the benefit of the proceedings dated 24.05.2017. Aggrieved by the same, the present writ petition is filed.

4. Heard learned counsel for petitioners.

5. Learned Standing Counsel appearing on behalf of the 2<sup>nd</sup> respondent, based on written instructions, submits that the seats reserved for service quota were already converted into non-service quota as per rule 7(iii) of Rules and fourth phase of counseling is also completed and once seats are converted, there cannot be any distinction between service and non-service quota; as such, petitioners are not entitled for any relief in the present writ petition. He also submits that petitioners can only appear for fifth phase of counseling, however, in non-service quota.

6. The peculiar facts and circumstances of the case are that, after the NEET is conducted in the month of December, 2016 and results are announced in January, 2017 after third and fourth phase counseling is completed, 3<sup>rd</sup> respondent issued proceedings dated 24.05.2017 reducing the percentile of cut-off marks by 7.5 percentile. By that time, the seats of the service quota were already converted into non-service quota. The said proceedings will accrue to the benefit of the candidates under the non-service quota only, as by that seats meant for service quota stood converted.

7. The contention of the petitioners is that candidates under the service quota are also entitled for the benefit of the proceedings dated 24.05.2017 issued by the 3<sup>rd</sup> respondent, reducing the cut-off marks as they relate back to date of declaration of results and there appears to be some force in the contention but as per Standing Counsel seats under service quota does not exist, but as per written instructions produced by Standing Counsel, final round of co0unselling (mop-up-round) will be notified and will be completed by 31.05.2017 for left over seats.

8. Having regard to the facts and circumstances of the case, as per request made by the learned counsel for the petitioners, petitioners are permitted to make a representation to the 2<sup>nd</sup> respondent in respect of their grievance.

9. In that view of the matter, the writ petition is disposed of, granting liberty to the petitioners to make a representation to the 2<sup>nd</sup> respondent, putting forth their grievance and 2<sup>nd</sup> respondent shall dispose of the same and pass appropriate orders in accordance with law and take action as expeditiously as possible. No order as costs.

10. As a sequel, miscellaneous petitions if any pending in the writ petition stand closed.

A.RAJASHEKER REDDY, J

May 26<sup>th</sup> 2017

Note: Furnish C.C. by 29.05.2017

B.O.

MRR

T.RAJANI, J

