

IN THE HIGH COURT OF ANDHRA PRADESH: AMARAVATI

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

&

HON'BLE MR. JUSTICE R.RAGHUNANDAN RAO

WRIT PETITION No.29199 of 2023

Between:

Dr. Ala Yogi Raghavendra,
S/o Ala Venkata Swamy,
Aged about 27 years, Occ: Doctor,
NEETPG Score :494, Neet Rank: 19816,
R/o Flat No.G5, Navya apartments,
Lakshmipuram, Guntur,
Andhra Pradesh - 522 0002.

...Petitioner

Versus

Union of India,
Directorate General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, Maulana Azad Road,
New Delhi,
Delhi - 110011 & fifteen others.

...Respondents

Counsel for the petitioner : Mr. P. Thirumala Rao

Counsel for respondent No.1 : Mr. Jupudi V.K. Yagna Dutt
(Deputy Solicitor General of India)

Counsel for respondent No.2 : Learned Government Pleader
for Medical Health & Family
Welfare

Counsel for respondent No.5 : Mr. Guttapalem Vijaya Kumar
Learned Standing Counsel

Counsel for respondents 1 & 4 : M/s. Yasaswi Law Associates LLP

Dt.: 30.11.2023

ORDER:

(per Hon'ble Sri Justice R. Raghunandan Rao)

Heard Sri P. Thirumala Rao, learned Counsel appearing for the petitioner, M/s. Yasaswi Law Associates, learned Central Government Standing Counsel appearing for respondent Nos.1 and 4, learned G.P. for Medical and Health appearing for the 2nd respondent, Sri Vivek Chandra Sekhar S., learned Standing Counsel appearing for the 4th respondent and Sri Guttapalem Vijay Kumar, learned Standing Counsel appearing for the 5th respondent.

2. The petitioner, having completed his MBBS degree, had appeared for the NEET Examination, in the year 2023, for obtaining admission into PG Medical Courses in the State of Andhra Pradesh. The petitioner applied for both convenor quota and management quota seats conducted by the 5th respondent-university. It may also be noticed that the Director General of Health Services was entrusted with the task of conducting online counselling for the All India quota seats.

3. The scheme of the counselling conducted for both the State quota as well as the All India quota envisaged four rounds of

counselling. These rounds were the First round, Second round, Third round (Mop up round) and Fourth round (Stray vacancy round). The principle applied for counselling in these four rounds of counselling was that the persons, who had been allotted seats and had joined in the said courses, in the first round of counselling, were eligible to try their luck for obtaining better courses in better colleges in the second round of counselling. However, the candidates, who had been allotted seats in the second phase of counselling and who had joined in the second phase were, not eligible to participate in the third and fourth rounds of counselling. Further, the counselling for the State quota and the All India quota were sought to be harmonised by ensuring that the candidates, who were allotted seats and had joined such seats in phase two of the All India quota, were not eligible to participate in further rounds in the State quota and *vice versa*. It transpired that the All India quota Phase-I, Phase-II and Phase-III counselling were completed by the time Phase-I of the State quota counselling could be completed.

4. In such circumstances, the 5th respondent-university issued a notification dated 12.09.2023, requiring the candidates who would be eligible to participate in Phase-II and further rounds of the competent authority quota and management quota in

relation to the seats available in the State quota. The said notification reads as follows:

“It is hereby informed that the following candidates are not eligible to participate in PG (Medical) Phase-II and further rounds of Competent authority Quota (both In-servie and Non-service) and Management Quota to be conducted by Dr. YSR UHS, Vijayawada:

1. Candidates joined and continuing in Round-1 and Round-2 of All India Quota (AIQ);
2. Allotted Candidates of Round-3 of All India Quota (AIQ);
3. Candidates joined and continuing in Round-1 and Round-2 of KNR UHS, Telangana State.”

5. The petitioner has approached this Court with the contention that about 11 students, who are arrayed as respondents 6 to 16 in the present writ petition, had been allotted seats in various courses despite being lower than the petitioner in the order of merit. He would further submit that these 11 candidates had been allotted seats in the second phase of counselling in the State quota despite having been allotted seats in Phase 3 of the All India quota counselling and the same is in violation of the scheme of counselling.

6. The petitioner contends that the seats occupied by the 11 candidates, mentioned above, should have been filled up by other candidates and that the petitioner would have had a chance

to obtain a seat which has otherwise been occupied by these 11 candidates. The petitioner has sought to demonstrate this by producing certain counselling records showing the phase wise allotment list of PG Medical Courses. However, the said documents produced by the petitioner do not demonstrate the allegation of the petitioner. Further, the petitioner, himself having participated in the very same rounds of counselling in the All India quota as well as the State quota, cannot turn around and contend that he was otherwise eligible to participate in the second phase of counselling for the State quota seats.

7. In the circumstances, the writ petition is dismissed. There shall be no order as to costs. As a sequel, pending miscellaneous applications, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

R.RAGHUNANDAN RAO, J

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HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
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