

Revuru Venkata Asritha vs State Of Andhra Pradesh on 20 February, 2025

Author: R. Raghunandan Rao

Bench: R. Raghunandan Rao

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.38795 of 2022

Between:

Revuru Venkata Asritha,
D/o.Venkata Narasaiah, Aged 19 years,
R/o.D.No.27-4-934, Gouda Hostel Road,
Balaji Nagar, SPSR Nellore District.

...Petitioner

Versus

1. State of Andhra Pradesh rep.by its
Principal Secretary, Higher Education Department,
Secretariat, Amaravati,
Guntur District & 3 others.

...Respondents

Counsel for the Petitioner

: Mr. G. Priyanka representing
Mr. V.V. Satish

Counsel for respondents

:Mrs. Tata Venkata Sridevi,
Standing Counsel for Dr. NTR
University of Health Sciences.

ORDER

Dt.: 20.02.2025 (per Hon'ble Sri Justice R.Raghunandan Rao) Heard Ms. G. Priyanka, learned counsel representing on behalf of Mr. V.V. Satish appearing for the petitioner and Mrs. Tata Venkata Sridevi, the learned Standing Counsel for Dr. NTR University of Health Sciences appearing for the respondents.

HCJ&RRR,J

2. The petitioner herein appeared for the NEET (UG-2022) examination for admission into MBBS course. She also had a B- Certificate with Grade-A in 10(A) Naval Unit, NCC Nellore and sought

admission under the NCC Female Open Category. The petitioner states that one seat each was available under this category in Sri Venkateswara Medical College, Narayana Medical College and Padmavathi Medical College. The petitioner contends that the 4th respondent who was lower in merit as well as in the NCC category ranking, was allotted a medical seat, in Narayana Medical college, without considering her merit. The Registrar of 2nd respondent-University of Health Sciences filed a counter affidavit. In this counter affidavit, it is stated that one Ms. Jakkala Jahnavi, who belongs to BC-D category had been allotted an MBBS seat at Narayana Medical College, Nellore in the open round under local/OC/Female/NCC category, in the first round. Subsequently, in the category round, Ms. Jakkala Jahnavi is said to have been allotted a seat in SVU Medical College, Tirupathi under NCC Category. As Ms. Jakkala Jahnavi belongs to the BC-D/NCC Category, the seat vacated by her, in Narayana Medical College, had to be given to the next eligible candidate in BC-D/Female, SVU area/NCC. As the petitioner was not belonging to the BC-D Category, HCJ&RRR,J the seat was allotted to the 4th respondent, belonging to BC-D Category, who was next in the merit list. The 2 nd respondent relied upon G.O.Rt.No.159 Higher Education (E.C) Department, dated 13.11.2020, in support of the allotment of seat to the 4th respondent.

3. The petitioner, in reply to this counter affidavit, submitted that the seat allotment for phase-I, released on 09.11.2022, by the 2nd respondent shows that Ms. Jakkala Jahnavi secured a seat in M/s. Shantaram Medical College, Nandyal under B.C-D category. She was subsequently allotted to M/s. S.V.Medical College, Tirupathi, in the seat allotment made on 27.11.2022. It is further stated that there were two seats reserved for NCC category in M/s. S.V.Medical College, Tirupathi, namely NCC-B.C-D-General Category and NCC-OC-Female. It is stated that Ms. Jakkala Jahnavi was allotted a seat under NCC-BC-D-General Category while another candidate Ms.Peddanagireddygari Pramodini was allotted seat under NCC-OC-Female category. It is contended that Ms. Jakkala Jahnavi had never taken the seat in Narayana Medical College, Nellore and the question of Ms. Jakkala Jahnavi discarding the seat in Narayana Medical College does not arise. It is also contended that the question of converting NCC-OC-Female Category in Narayana HCJ&RRR,J Medical College into NCC-BC-D Category does not arise as Ms. Jakkala Jahnavi had never been allotted a seat in the open category, either under the NCC quota or in the open quota.

4. This Court, by an order dated 20.09.2023, after noticing the contentions raised by the learned counsel for the petitioner, in this regard, had directed the 2nd respondent-University to file an affidavit explaining the above situation. In compliance of this direction, the 2nd respondent filed an additional counter affidavit on 04.1.1.2023. In this counter affidavit, it is stated that Ms. Jakkala Jahnavi had exercised 30 options, while participating in the counseling for allotment of seats. She was initially allotted Shantaram Medical College, Nandyal and subsequently in phase-II counseling, she was allotted Narayana Medical College, Nellore under open category in NCC quota. She was then allotted M/s. S.V.Medical College, Tirupathi during category round and on account of such sliding, the seat vacated by Ms. Jakkala Jahnavi in Narayana Medical College had to be allotted to the 4th respondent who also belongs to BC-D category.

5. This Court, by an order dated 26.04.2024, after recording these averments, had directed the 2nd respondent-

HCJ&RRR,J University to produce material to show the letter of allotment, issued by the University, in favour of Ms. Jakkala Jahnavi allotting her to Narayana Medical College. It was also observed that if such letter of allotment is not produced, it would be presumed that Ms. Jakkala Jahnavi was never allotted a seat in the said College and the action of the University in allotting a seat to the 4th respondent in the BC-D Category would be unsustainable.

6. On 05.12.2024, another additional counter affidavit had been filed. The averments in the earlier counter affidavits were reiterated in this counter affidavit. Further, no material has been placed before this Court to show that Ms. Jakkala Jahnavi was allotted the seat, under the NCC-Female Open Category in Narayana Medical College prior to her shifting to M/s. S.V. Medical College.

7. It is not a dispute, by either side, that if Ms. Jakkala Jahnavi had been allotted the NCC-Female-Open Category seat in Narayana Medical College before she was shifted to M/s. S. V. Medical College, the seat vacated by Ms. Jakkala Jahnavi in Narayana Medical College, would have to be allotted to the 4th respondent.

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8. The 2nd respondent, despite any number of adjournments being granted, has not produced any material or document to show that Ms. Jakkala Jahnavi was allotted a seat in Narayana Medical College or that she had joined in Narayana Medical College prior to moving to M/s. S. V. Medical College. In the absence of such material, it would have to be held that Ms. Jakkala Jahnavi had moved from Shantaram College directly to M/s. S. V. Medical College. In such circumstances, the allotment of seat to the 4th respondent who was lower down in merit, without allotting the said seat to the petitioner was illegal.

9. Accordingly, this Writ Petition is allowed with costs of Rs.25,000/- payable by the respondent-University, to the petitioner, within two weeks, from the date of receipt of this order. We are informed that the petitioner has since joined in a Dental Course. The petitioner has lost the chance to pursue a career in the Medicine on account of the actions of the respondent-University. Though she would be entitled to a seat in Medicine for the course commencing in 2022, it would not be possible to accommodate her as more than two academic years have already passed.

In the circumstances, it would be appropriate to compensate her for her loss by award of damages of Rs.7 lakhs. This amount HCJ&RRR,J being payable by the respondent-University, within two months, from the date of receipt of this order.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ R. RAGHUNANDAN RAO, J RJS HCJ&RRR,J HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE & HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO WRIT PETITION No.38795 of 2022 (per Hon'ble Sri Justice R. Raghunandan Rao) Dated: 20.02.2025 RJS