

APHC010387292025



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3446]

WEDNESDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

**W.P.Nos:19579, 19640, 19785, 19877, 19930, 19941, 19944, 19952, 19969,
19970, 19976, 19979, 20116, 20139, 20759, 20761, 20812, 20916, 20968,
20976, 20996, 21031 & 21138, 21660 of 2025**

W.P.No.19579/2025

Between:

Sk.khamruddin,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.A RAJENDRA BABU

Counsel for the Respondent(S):

1.GP FOR MEDICAL HEALTH FW

2.Tata Venkata Sridevi, aStanding Counsel ForDr.NTR University of
Health Sciences

The Court made the following Common Order:

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

Heard learned counsel appearing for the petitioners, learned Advocate General representing the learned G.P. for Medical, Health and Family Welfare appearing for the respondents and Smt. Tata Venkata Sridevi, learned Standing Counsel appearing for Dr. N.T.R. University of Health Sciences.

2. As all these writ petitions raise an identical question of law and fact, they are being disposed of by way this common order.

3. In all these cases, the students, who have sought admission into MBBS and BDS Courses for the academic years 2025-26, have approached this Court, challenging the requirement, in the Notification dated 22.07.2025, issued by the Dr. NTR University of Health Sciences, for admission into MBBS / BDS Courses, for the academic year 2025-26, prescribing a requirement that the applicant should have studied or resided, in the local area where he/she is seeking to obtain admission, for a period of not less than four consecutive academic years ending with the academic year in which the candidate had appeared for the relevant qualifying examination.

5. In all the above cases, the petitioners are students, who had pursued a major part of their school education in the State of Andhra Pradesh, but had pursued their + 2 education (11th & 12th classes or Intermediate) outside the State of Andhra Pradesh.

6. The petitioners contend that Regulation 7.1 of the said Notification, stipulates that admission to 85% of the available seats are reserved in favour of local candidates, in relation to the “local area” as provided under the A.P. Educational Institutions (Regulation of Admission) Order, 1974. Regulation 7.2 divides the entire State of Andhra Pradesh into two local areas, viz., Andhra University Area and Sri Venkateswara University Area. Regulation 7.3 defines “local candidates”.

7. The said Regulation 7.3 reads as follows:

“7.3 Local Candidates:

The Local Candidate Means:

- (A) A candidate for admission shall be regarded as a local candidate in relation to a local area. –
 - (a) If he /she has studied in educational Institution or educational Institutions in such local area for a period of not less than four consecutive academic years ending with the academic year in which he/she appeared or as the case may be, first appeared in the relevant qualifying examination, or
 - (b) Where, during the whole or any part of the four consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in any educational Institutions, if he/she has resided in that local area for a period of not less than four years immediately he/she appeared or, as the case may be, first appeared.

(B) A Candidate for admission to the course who is not regarded as local candidate under clause (A) in relation to any local area shall, -

(a) If he/she has studied in educational Institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination be regarded as a local candidate in relation to, -

- (i) Such local area where he/she has studied for the maximum period out of said period of seven years, or
- (ii) Where the period of his/her study in two local areas are equal, such local area, where he/she has studied last in such equal period, or

(c) If, during the whole or any part of seven consecutive academic years ending with the academic year in which he/she appeared or, as the case may be, first appeared for the relevant qualifying examination, he/she has not studied in the educational Institutions in any local area, but has resided in the State during the whole of the said period of seven years, be regarded as a local candidate in relation to, -

- (i) Such local area where he/she has resided for the maximum period out of the said period of seven years, or
- (ii) Where the periods of his/her residence in two local areas are equal, such local area where he/she has resided last in such equal period.

(C) Local Status Certificate Issued through online mode by MRO for claiming as Andhra Pradesh local as per G.O.Ms.No.132 & 133, GA (SPF&MC) Department, dated 13.06.2016 and circular Memo.No.4136/SPF&MC/2015-5, Dated: 08.08.2016 & Memo No.4136/SPF&MC/2015-9,

dated 03.09.2016 and its amendments issued by the General Administration Department, Government of Andhra Pradesh.

8. The petitioners contend that these Regulations and more specifically, Regulation 7.3, should be interpreted, in accordance with the judgment of the Division Bench of the erstwhile High Court of Andhra Pradesh in the case of **Tahsildar, Hyderabad vs. T. Venkata Reddy**¹. In the alternative, the petitioners also contend that the judgment of the Division Bench of the Hon'ble High Court for the State of Telangana, in **Prashansa Rathod and Ors., vs. State of Telangana**², which had read down the Telangana Medical and Dental Colleges Admission (Admission into MBBS and BDS Courses) Rulrs, 2017 to permit the candidates, who had pursued their + 2 education outside the State, to be treated as local candidates in as much as the relevant Rule in the aforesaid Rules, viz., Rule 3(III)(b) was arbitrary and violative of Article 14 of the Constitution of India and the same was read down, in such a manner that Rule 3(III)(b) shall not apply to permanent residents of the State of Telangana.

9. The Advocate General would contend that the judgment of the Division Bench of the erstwhile High Court of Andhra Pradesh in the case of **Tahsildar, Hyderabad vs. T. Venkata Reddy** is superseded by the judgment of a Full Bench of the erstwhile High Court of Andhra Pradesh, in the case of

¹ AIR 1976 AP 408 = 1976 (1) PLJ 105

² 2023 (5) ALT 419

Bathina Rajya Shilpa and etc., vs. NTR University of Health Sciences, Vijayawada and Ors.,³.

10. The learned Advocate General would also contend that the judgment of the Division Bench of the Hon'ble High Court for the State of Telangana, in the case of **Prashansa Rathod and Ors., vs. State of Telangana** would, at best, be of persuasive value and would not be binding on this Court. The learned Advocate General on the merits of the case, would contend that the Regulation 7.3, which defines "local candidates", is *in parimateria*, with the provisions of the Presidential Order, 1974, which has been upheld. He would submit that the Division Bench of the Hon'ble High Court for the State of Telangana had specifically observed that the provisions of the Presidential Order, 1974 were not under challenge before it and that only Rule 3(III)(b) of the Telangana Rules, 2017 was being considered. He would submit that the judgment of the Full Bench, of the erstwhile High Court of Andhra Pradesh, in the case of **Bathina Rajya Shilpa and etc.etc., vs. NTR University of Health Sciences, Vijayawada and Ors.**, would still hold the field as the judgment in **Prashansa Rathod and Ors., vs. State of Telangana** was delivered by a Division Bench of the Hon'ble High Court for the State of Telangana, whereas the judgment in **Bathina Rajya Shilpa and etc.etc., vs. NTR University of Health Sciences, Vijayawada and Ors.**, was delivered by a Full Bench.

³ (2002) 1 ALT 365 = AIR 2002 AP 115

11. This Court had earlier considered a similar issue in W.P.No.24678 of 2020 dated 22.12.2020; W.P.No.10319 of 2019 dated 14.12.2020; W.P.No.25451 of 2024 dated 07.11.2024; and W.P.No.18247 of 2024 dated 29.08.2024. In all these judgments of this Court had taken the view that the candidates, who do not meet the requirements of Rule 4 of the Presidential Order, 1974 cannot be treated as “local candidates”.

12. Rule 4(1) and Rule 4(2), of the Presidential Order, 1974, as well as Regulation 7.3, upon a conjoint reading, would have to be understood as follows:

a) Any student, who has pursued his education, for four years preceding the qualifying examination, in a local area, in the State of Andhra Pradesh, would be treated as a local candidate of such local area. If such a student has not pursued his education in any institution, he would still be eligible to be considered as a local candidate, if he has resided within the same local area, for four years preceding the qualifying examination, for which he has appeared.

b) Where a student has not pursued his education, in one local area, for the four years preceding the qualifying examination, but had studied within the State for the past seven years prior to the qualifying examination, such a student would still qualified to be treated as a local candidate in a local area, depending upon the proof of areas he / she had studied in different local areas, within the State. Similarly, a person, who has not pursued his

education, but had resided within the State, in different local areas within the State, would also be eligible to be considered as a local candidate, of a particular area, on the basis of the conditions set out in Rule 4(2)(b).

13. This understanding can be further simplified. Only students who have pursued their education within the State of Andhra Pradesh or those students, who resided within the State of Andhra Pradesh, without studying in any institution, but had appeared in the qualifying examinations, would be eligible to be considered as local candidates in one local area or the other. Further it is not necessary that such candidates should have pursued their entire education or resided in the entire period within the State of Andhra Pradesh. The requirement is restricted to the last seven years prior to the qualifying examination.

14. Regulation 7.3, which is under challenge, is essentially a reiteration of Rule 4 of the Presidential Order.

15. In the case of **Tahsildar, Hyderabad vs. T. Venkata Reddy**, a Division Bench of the erstwhile High Court of Andhra Pradesh had taken the view that the residence of the parent should be treated as the residence of the student. However, explanation (iv) to Rule 4(2)(b), which prescribes residence as one of the qualifying criteria, reads as follows;

“(iv) The question whether any candidate for admission to any course of study has resided in any local area shall be determined with reference to the places where the

candidate actually resided and not with reference to the residence of his parent or other guardian.”

This explanation precludes the consideration of the residence of the parents as the residence of the student.

16. In **Bathina Rajya Shilpa and etc.etc., vs. NTR University of Health Sciences, Vijayawada and Ors.**, The petitioners were the persons, who had studied for a major part of their school education, in the State of Andhra Pradesh, but had pursued their + 2 education outside the State of Andhra Pradesh. They had approached the Court on the ground that they should also be treated as local candidates as they had pursued a large part of their education in the State of Andhra Pradesh. The Full Bench rejected this contention. The relevant paragraphs are extracted below:

42. On an analysis of the above, it is clear that a candidate for the purpose of admission in any institution shall be regarded as a local candidate in relation to a local area under sub-paragraph (1) of Para 4 if he or she fulfils either clause (a) or clause (b) of sub-paragraph (1), Clause (b) is applicable only to candidates who have not studied in any educational institutions but have resided in the local area for a period of not less than four years immediately preceding the date of commencement of the relevant qualifying examination in which he or she appeared or first appeared. Since the petitioner has studied in educational institutions, she doesn't come under that clause.

43. In order to be treated as local candidate in relation to a local area under clause (a) one must have studied in an

educational institution or educational institutions in the local area for a period of not less than four consecutive academic years ending with the academic year in which he or she first appeared in the relevant qualifying examination.

45. However, a candidate who is not regarded as a local candidate under para 4(1) can be treated as a local candidate under sub-paragraph (2) if he/she fulfils either Clause (a) or Clause or Clause (b). Again clause (b) is applicable only to candidates who have not studied in educational institutions but have resided in the State for a period of not less than seven consecutive academic years immediately preceding the date of commencement of the relevant qualifying examination in which he or he appeared or first appeared. Since the petitioner has studied in educational institutions, she doesn't come under that clause.

46. In order to be treated as local candidate under clause (a) of sub-paragraph (2) of Paragraph 4 one must have studied in an educational institution or educational institutions in the State for a period of not less than seven consecutive academic years ending with the academic year in which he or she first appeared in the relevant qualifying examination and such candidate will be regarded as a local candidate in relation to (1) such local area where he has studied for the maximum period out of the said period of seven years or (2) where the periods of his or her study in two or more local areas are equal, such local area where the candidate has studied last in such equal periods. Admittedly, the appellant has not fulfilled this clause also as she had not studied for seven consecutive academic years in the State of Andhra

Pradesh ending with the relevant qualifying examination of Intermediate. She had studied only for five years in the State out of the seven consecutive years ending with the qualifying examination and she studied the qualifying examination in Gujarat State. In order to be treated as a local candidate under 4(2), it is essential that she must have studied seven consecutive academic years ending with the relevant qualifying examination in the State.

47. Therefore, it is clear that the petitioner has not fulfilled the criteria laid down under para 4 of the Presidential Order in order to be treated as a local candidate either in terms of para 4(1) or para 4(2). True, the petitioner did study in the State of Andhra Pradesh for a period of more ten years right from kindergarten to SSC and in spite of that she could not be treated as a local candidate in relation to any of the local areas of the State. Had she studied the qualifying examination in the State, the matter would have been different.

48. We do agree that a candidate who is a resident of the State of Andhra Pradesh and who had studied in educational institutions right from the kindergarten to SSC in the State except for the two years could not be treated as a local candidate in relation to any of the local areas whereas it may be possible that a candidate who do not belong to the State of Andhra Pradesh but who had studied 4 consecutive academic years in any local area of the State ending with the academic year in which he appeared or first appeared for the relevant qualifying examination could be regarded as a local candidate though he is not a resident of the State of Andhra Pradesh and studied only for four years in the State. But, having regard to the provisions of the Presidential Order and in

the absence of any provision having been made in the Presidential Order governing such situation, no relief can be granted to the petitioner.

17. In **Prashansa Rathod and Ors., vs. State of Telangana**, the Division Bench of the Hon'ble High Court for the State of Telangana took the view that the judgment of the Full Bench in **Bathina Rajya Shilpa and etc.etc., vs. NTR University of Health Sciences, Vijayawada and Ors.**, was not applicable as the 2017 Telangana Rules had been formulated after the judgment of the Full Bench in **Bathina Rajya Shilpa and etc.etc., vs. NTR University of Health Sciences, Vijayawada and Ors.** With utmost respect, we cannot subscribe to this view. In any event, the language in Regulation 7.3 is, in our opinion, a reiteration of Rule 4 of the Presidential Order, 1974, which has been interpreted, in the above manner, by the Full Bench of the erstwhile High Court of Andhra Pradesh. We are bound by the observations and ratio laid down by the Full Bench above.

18. Accordingly, we find no merit in the present set of writ petitions and they are 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

Js.

HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE
&
HON'BLE MR. JUSTICE R. RAGHUNANDAN RAO

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

13th August, 2025

JS