

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
WEDNESDAY ,THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

WRIT PETITION NO: 20401 OF 2024

Between:

Dr. Devi Sushma Nallakukala, D/o Sri Ramulu.

Petitioner

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Medical, Health and Family Welfare, Secretariat Buildings, Hyderabad
2. Kaloji Narayana Rao University of Health Sciences, Rep by its Registrar, Warangal, Telangana
3. The Principal, Gandhi Medical College, Musheerabad, Secunderabad
4. National Medical Commission, Rep by the Board of Governors through its Joint Secretary, Pocket- 14, Sector - 8, Dwarka Phase - 1, New Delhi - 110077, INDIA.

Respondents

WHEREAS the Petitioner above named through her Advocate SRI SANDELA BHOOM RAO presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order, or direction, more particularly one in the nature of a writ of mandamus, A) Declare the action of the 3rd respondent, who treated the petitioners absence during the COVID- 19 pandemic period as unauthorized, unjustly prevented the petitioner from attending the 2nd year M. D. Microbiology course without any prior notice, thereby violating the principles of natural justice. when the campus reopened in August 2021. resulting in loss of valuable academic years, additionally, the allotted seat for the academic year 2019- 2020 would go waste and cannot be allotted to other student and no prejudice would be caused to the respondents if they permit the petitioner to pursue the course, However, the respondents are taking steps to cancel the admission, under the guise of rules, and regulations, which have no roots in any law is illegal, ultra- vires to the Constitution, nullifies the Reservation to women in higher educational institutions, further the action is against the UGC guidelines issued during the Covid- 19 Pandemic period, and violation of the Supreme Court Order in Suo Motu WP (C) No 3 of 2020, as arbitrary, illegal. and further B) Declare the action of the 2nd respondent issuing proceedings under Lr No. 3358/AC4/KNRUHS/2024 dated 15. 03. 2024, wherein the petitioner's request for readmission into the 2nd year MD Microbiology course at the 3rd respondent college was rejected, 1) without considering the rules and regulations applicable at the time of the students admission, specifically PG admission rule 8. 6 of the 2018- 2019 prospectus. and instead passed orders based on amended rules,

as outlined in impugned proceedings, and 2) the impugned order contradicts the bond executed under the provisions of Admission Rule 8. 2 and 8. 3 of the prospectus 2018- 19, which mandates that the student must complete the course or, in default, pay five lakhs Rs 5,00,000 to KNRUHS. (amended to fifty lakhs 50,00,000), further the 3rd Respondent wrongly calculated the absence period as 1064 days. However the petitioner was actually absent for nearly 300 days during the pandemic period, as arbitrary, illegal and against the fundamental rights guaranteed under Art14, Art15, Art16 of Constitution of India, and consequently set aside the said impugned order and direct the 2nd respondent to re- admit the petitioner in to the 3rd Respondent college to complete the remaining two calendar years of study. and to issue an Extension order accordingly, covering the period from 1/04/2020 to the date of rejoining the course, otherwise irreparable loss would be caused to the petitioner, as this Honble Court may deem fit in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri SANDELA BHOOM RAO Advocate for the Petitioner, Assistant Government Pleader for Medical, health and Family Welfare takes notice for respondent No.1. Sri A.Prabhakar Rao, learned Standing Counsel takes notice for respondent Nos.2 and 3 and seeks time to file counter-affidavit. Ms.Gorantla Sriranga Pujitha, learned Standing Counsel takes notice for respondent No.4 directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Department of Medical, Health and Family Welfare, State of Telangana, Secretariat Buildings, Hyderabad
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana
3. The Principal, Gandhi Medical College, Musheerabad, Secunderabad
4. The Board of Governors through its Joint Secretary, National Medical Commission, Pocket- 14, Sector - 8, Dwarka Phase - 1, New Delhi - 110077, INDIA.

are directed to show cause on or before 21.08.2024 to which date the case stands posted as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

The Court made the following: ORDER

Notice before admission.

Learned Assistant Government Pleader for Medical, health and Family Welfare takes notice for respondent No.1. Sri A.Prabhakar Rao, learned Standing Counsel takes notice for respondent Nos.2 and 3 and seeks time to file counter-affidavit. Ms.Gorantla Sriranga Pujitha, learned Standing Counsel takes notice for respondent No.4 and seeks time to file counter-affidavit.

List on 21.08.2024 for filing counter-affidavits.

It is made clear that in the event no counter-affidavit has been filed by the respondents by that date, the matter will be heard and decided on merits.

Sd/- L.SHIVA PARVATHI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Department of Medical, Health and Family Welfare, State of Telangana, Secretariat Buildings, Hyderabad
2. The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal, Telangana
3. The Principal, Gandhi Medical College, Musheerabad, Secunderabad
4. The Board of Governors through its Joint Secretary, National Medical Commission, Pocket- 14, Sector - 8, Dwarka Phase - 1, New Delhi - 110077, INDIA.
(1 TO 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. SANDELA BHOOM RAO Advocate [OPUC]
6. Two CCs to GP FOR MEDICAL HEALTH FW ,High Court at Hyderabad.
[OUT]
7. One spare copy

HIGH COURT

CVBRJ

DATED:31/07/2024

LIST ON 21.08.2024 FOR FILING COUNTER-AFFIDAVITS.

NOTICE BEFORE ADMISSION

WP.No.20401 of 2024

