

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD  
WEDNESDAY, THE TWENTY FIRST DAY OF AUGUST  
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR  
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

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 petitioners 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,

**IA NO: 1 OF 2024**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned proceedings under No. 3358/AC4/KNRUHS/2024 dated 15.03.2024, issued by the 2nd Respondent, and direct the Respondents to permit the Petitioner to continue the 2nd year MD Microbiology course at the 3rd Respondent college, pending disposal of WP 20401 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI SANDELA BHOOM RAO Advocate for the Petitioner, GP FOR MEDICAL & HEALTH FW for the Respondent No.1, SRI A. PRABHAKAR RAO, Standing Counsel for the respondent nos. 2 & 3 and Ms. GORANTLA SRIRANGA PUJITHA, Standing Counsel for the respondent no.4, the Court made the following.

**ORDER**

**Learned Government Pleader for Medical & Health appearing for respondent No.1, learned Standing Counsel appearing for respondent Nos.2 and 3 seek further time to file counter-affidavit in the matter.**

However, it is to be noted that this Court while ordering notice before admission on 31.07.2024 directed the respondents to file counter-affidavit by 21.08.2024, failing which it has been observed that the matter will be heard and decided on merits.

However, having regard to the request made by the learned Standing Counsel and the learned Government Pleader appearing for respondents, this Court is of the view that the time for filing of counter-affidavit can be extended by putting the respondents on terms.

Accordingly, the respondents are granted further time of three weeks for filing counter-affidavit, subject to payment of costs of Rs.1,000/- (Rupees thousand only) each to the Telangana High Court Legal Services Committee, Hyderabad.

List after three weeks.

//TRUE COPY//

Sd/-MOHD. ISMAIL  
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, The State of Telangana, Department of Medical, Health and Family Welfare, 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, National Medical Commission, through its Joint Secretary, Pocket- 14, Sector - 8, Dwarka Phase - 1, New Delhi - 110077, INDIA. (RR 1 to 4 by RPAD)
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

TVKJ

DATED:21/08/2024

LIST AFTER THREE WEEKS.

ORDER

WP.No.20401 of 2024

DIRECTION

