

ITEM NO.10

COURT NO.2

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).16488/2010

(From the judgement and order dated 12/05/2010 in WPMP No. 14320/2010 in WP No. 11255/2010 of The HIGH COURT OF A.P AT HYDERABAD)

T.SHANKAR SINGH & ORS. Petitioner(s)

VERSUS

GOVT.OF A.P.TR.PRINL.SEC.& ORS. Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned Judgment, permission to file addl. documents and with prayer for interim relief)

Date: 28/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE C.K. PRASAD  
(VACATION BENCH)

For Petitioner(s) Mr. R. Santhan Krishnan, Adv.  
Mr. G. Vidya Sagar, Adv.  
For Mr. A.Venayagam Balan,A.O.R.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This petition is directed against an interim order passed by the Division Bench of Andhra Pradesh High Court, which reads as under:

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"The petitioners question the legality of the amendment made to the procedure prescribed in Annexures III and IV of G.O. (P) No.646, Education Department, dated 10.7.1979 by virtue of the order in G.O. Ms.No.42 dated 18.5.2009.

It is stated that paragraphs 6 and 7 of the earlier G.O. Were substituted with the impugned G.O., which reads as follows:

- 6. The Provisional list shall be divided into two parts. The first part will comprise first 15% of the list. The second part will comprise the balance 85%. In case, in the second part of the provisional list, the number of local candidates in relation to each University area equals the number of seats reserved and allocated in favour of local candidates of each such area, the list shall be approved.
- 7. If however on scrutiny, referred

to in para 6 above, it is found that in the second part of the provisional list the number of local candidates in relation to any one or more University area(s) exceeds the number of seats reserved in favour of the local

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candidates of such University area or areas then such excess candidates shall be removed in reverse order of merit from the bottom of the provisional list. Similarly, if it is found on scrutiny that in the second part of the provisional list the number of local candidates in relation to any one or more University area(s) falls short of the number of seats served in favour of the local candidates of such University area or areas, then such deficit shall be made good by drawing local candidates in relation to such University area or areas from the merit list. In either case the rule of reservation shall be followed.

It is stated that the said substituted paragraphs 6 and 7 by virtue of G.O.Ms.No.42 dated 18.5.2009 are in violation of the Presidential Order. It is stated that dividing the provisional list into two parts and first considering the list of 15% of the non-local candidates by giving them their choice of seats without giving preference to the local candidates of 85% is illegal and arbitrary.

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Having regard to the facts and circumstances of the case, we are of the opinion that non-local candidates cannot be given first preference against the local candidates. Giving first preference to the non-local candidates prima facie, is against the provisions of the Presidential Order.

Accordingly, the respondents are directed not to give first preference to the 15% of non-local candidates for the 2nd round of counseling commencing from 15-05-2010. Notice."

In the special leave petition, the petitioners have prayed for nullifying the result of the first counselling, which was completed even before the filing of the writ petition. In our view there is no valid ground much less justification for passing an order by this Court, which will stultify the process of the admission and affect large number of candidates who have already been selected for admission to the postgraduate courses.

With the above observation, the special leave petition is dismissed.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master