

KIND ATTENTION: STAY ON SUPER SPECIALTY COUNSELLING

In view of the judgement of the Hon'ble High Court Hyderabad in W.P. No. 27988, 28025, 28026, 28042, 28055 and 28064 of 2017, it has been directed by the Hon'ble High Court Hyderabad to put the Super Specialty counselling on hold. Hence the online NEET Super Speciality counselling -2017 (Round 2) has been stayed till further order.

All the candidates are advised to be keep in touch with the website (mcc.nic.in) for further necessary updation.

This issues with the prior approval of the competent authority.

Notice posted on 23.08.2017

(Copy of order enclosed below)

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
TUESDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND SEVENTEEN

:PRESENT:

THE HON'BLE SRI JUSTICE V RAMASUBRAMANIAN
AND
THE HON'BLE SMT JUSTICE T. RAJANI

WP .NOs:27988, 28025, 28026, 28042, 28055 and 28064 of 2017

WP NO.27988 OF 2017

Between:

Dr.Srikar Darisetty, S/o. Dr.D.Santosh,

..... Petitioner

AND

- 1 The Union of India, Ministry of Health and Family Welfare, A Wing, Nirman Bhavan, Maulana Azad Road, New Delhi- 011, Rep by its Secretary.
- 2 The Directorate General of Health Services and Medical Co A-Wing, Nirman Bhavan, Maulana Azad Road, New Delhi- 011, Rep by its Director General.
- 3 The National Board of Examinations, Mahatma Gandhi Road, Ansari Nagar, New Delhi- 029, Rep. by its Executive Director.
- 4 The Medical Council of India Pocket-14, Sector-8, Dwarka Phase-I, New Delhi, Rep. by its Secretary.
- 5 Vardhman Mahavir Medical College and Safdargunj Hospital, Near AIIMS Hospital, Ansari Nagar, New Delhi- 029, Rep. by its Principal.
- 6 The State of Telangana, Rep. by its Principal Secretary, Dept. of Health, Medical and Family Welfare, T- Secretariat, Hyderabad.
- 7 Kaloji Narayana Rao University of Health Sciences, Warangal, Rep. by its Registrar.
- 8 Dr.Suprabhat Giri, Aged about 27 years, S/o.Not Aware, R/o. C/o. MKCG Medical College, Berhampur.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of "Writ of Mandamus"

A. To declare the action of the Respondent Nos. 1 to 4 in denying admission to the Petitioner in D.M.Pulmonary Medicine at 511 Respondent College after issuance of the Provisional Allotment Letter dated 17.08.2017 while relying upon notice/ proceedings dated 18.08.2017 as being illegal, arbitrary, and in violation of Articles 14, 16, 19 and 21 of the Constitution of India, and in violation of principles of natural justice, and

B. Consequently declare that the proceedings/ notice dated 18.08.2017 are not applicable to the Petitioner, and

C. Consequently to direct the Respondent Nos. 1 to 5 to admit the Petitioner in D.M.Pulmonary Medicine Super Specialty Course of the Academic Period 2017-2020, and

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI N ASHWANI KUMAR, Advocate for the Petitioner, Sri B. Nrayana Reddy, Asst. Solicitor General for Respondent Nos.1 to 3, Sri Vivek Chandrasekhar, Standing Counsel for Respondent Nos.4 & 5.

WP NO.28025 OF 2017

Between

1. Dr. Prasad Neelam, S/o. Durga Rao Neelam
2. Dr. Venkata Rama Mohan Gollamudi, S/o. Gollamudi Narsinga Rao
3. Dr. Ravindra Nandhana, S/o. Balakrishna Raoi.
4. Dr. N.S. Ayyappa Morla, S/o. Gokula Vijaya Prasad
5. Dr. Phaniteja Munduru, S/o. Venkata Rao
6. Dr. B. Sriram, S/o. B. Narayana
7. Dr. Santhosh Kumar Ganapathi, S/o. G. Naga Satyanarayana Rao
8. Dr. Krishna Prasad, S/o. Raghuram Gahesh
9. Dr. Sushmitha Jakka, D/o. Chinnarao
10. Dr. Chandana Vemuri, D/o. Ranganadh

..... Petitioners

AND

- 1 The Union of India, Ministry of Health and Family Welfare, a wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011, represented by Secretary.
- 2 The Director General of Health and Family Welfare, A wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011 Represented by Director General of Health Services
3. Medical Counseling Committee, C/o. Director General Health Services, Directorate General of Health Services, , A wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011 Represented by Director General of Health Services
- 4 National Board of Examination, Mahatma Gandhi Road,, Ansari Nagar, New Delhi 110 029, represented by its Executive Director
- 5 The Medical Council of India, Pocket 14, Sector 8, Dwaraka, Phase I, New Delhi, represented by its Member Secretary
6. The State of Telangana, represented by its Special Chief Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad
7. The State of Andhra Pradesh, represented by its Special Chief Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad.
8. Tata Memorial Hospital. Dr. E. Broges Road, Parel, Mumbai- 400 012 India, Rep. by its Secretary.
9. Kidwai Institute of Oncology , KMIO Campus, Dr. MH Mariagowda Road, Near Bangalore Dairy Bengaluru, Karnataka 560029, Rep. by its Secretary,
10. Regional Cancer Centre, Thiruvananthapuram, Medical College Campus, Chalakkuzhi, Thiruvananthapuram, Kerala 695011, Rep, by its Secretary
11. Sri Jayadeva Institute of Cardiology, Bannerghatta Main Road, Jayanagara 9th Block, Bengaluru, Karnataka 560069 Rep. by its Secretary.
- 12 King George's Medical University, Shah Mina Road, Chowk, Lucknow, Uttar Pradesh – 226003 Rep by its Secretary.
- 13 Pandit Bhagawat Dayal Sharma Post Graduate Institute of Medical Sciences, Medical Rd. Rohtak, Haryana 124001 Rep by its Secretary.
14. Government Medical College, Thiruvananthapuram, Ulloor Road, Thiruvanthapuram, Kerala 695011, Rep. by its Secretary.
15. Sri Ramachandra University, No.1, Ramachandra Nagar, Chennai, Tamil Nadu 600116 Rep by its Secretary.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction and more particularly, one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 2nd and 3rd Respondents in unilaterally cancelling the allotment of seats of the Petitioners pursuant to the first round of counseling including by treating the result of the first round of Online NEET Super Specialty 2017 as null and void by issuing the notice dated 18.08.2017 as illegal, arbitrary, unconstitutional and set aside the same and consequently direct the Respondents to permit the Petitioners to report and join into their Specialization Course in the respective Colleges as per the allotment done pursuant to the

Round-1 Online NEET Super Specialty counseling 2017 and the first merit list made pursuant to the same and pass.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI A. VENKATESH, Advocate for the Petitioner, Sri B. Nrayana Reddy, Asst. Solicitor General for Respondent Nos.1,2 & 4, Sri Vivek Chandrasekhar, Standing Counsel for Respondent Nos.3 & 5, GP for Medical & Health (AP) for Respondent No.6 and of GP for Medical & Health (TG) for Respondent No.7

WP NO.28026 OF 2017

Between:

Y.Sai Krishna, S/o.Dr.Y.V.Rao,

..... Petitioner

AND

- 1 The Union of India, Ministry of Health & Family Welfare, 'A' Wing, Nirman Bhavan, Maulana Azad Road, New Delhi-110011, Rep.by its Secretary
- 2 The Directorate General of Health Services, Ministry of Health & Family Welfare, Government of India, 'A' Wing, Nirman Bhavan, Maulana Azad Road, New Delhi-110011, Rep. by its Secretary
- 3 The National Board of Examinations, Mahathma Gandhi Road, Ansari Nagar, New Delhi-110029, Rep.by its Executive Director.
- 4 The Medical Council of India, Pocket-14, Sector-8, Dwaraka, Phase-I, New Delhi, Rep.by its Member Seretary.
- 5 M.S.Ramaiah Medical College, M S Ramaiah Nagar, Mathikere, MSRIT Post, Bengaluru, Karnataka-560054, Rep.by its Registrar
- 6 Dr.NTR University of Health Sciences, NH 16 Service Road, Gunadala, Vijayawada, Andhra Pradesh 520008, Rep. by its Registrar

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in cancelling the admission given to the petitioner in Super Specialty Course i.e., D.M. Cardiology and not allowing the petitioner to participate in NEET SS-2017 2nd counseling by treating the petitioner as the local candidate of Andhra Pradesh, though he is not, vide impugned notice dt.18.8.2017 issued by the 2nd respondent and as illegal, unjust, arbitrary, discriminatory, suffers from non-application of mind and violative of Principles of Natural Justice and also violative of Articles 14, 15, 16 and 21 of the Constitution of India and consequently set-aside the impugned notice dt.18.8.2017 to the extent of the petitioner by directing the respondents not to cancel the admission given to the petitioner and permit the petitioner to participate in the 2nd counseling.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI BOBBILI SRINIVAS, Advocate for the Petitioner, Sri B. Nrayana Reddy, Asst. Solicitor General for Respondent Nos.1 to 3, Sri Vivek Chandrasekhar, Standing Counsel for Respondent Nos.4 and of Sri Taddi Nageswara Rao, Standing Counsel for the Respondent No.6.

WP NO.28042 OF 2017

Between:

Dr. P. Banu Teja Reddy, S/o Papellugari Veerareddy,

..... Petitioner

AND

- 1 The Union of India, Ministry of Health and Family Welfare, a wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011, represented by Secretary
- 2 The Director General of Health and Family Welfare, a wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011 Represented by Director General of Health Services

- 3 National Board of Examination, Medical Enclave, Ansari Nagar, New Delhi 110 029, represented by its Executive Director
- 4 The Medical Council of India, Pocket 14, Sector 8, Dwaraka, Phase I, New Delhi, represented by its Member Secretary
- 5 The Medical Counseling Committee (MCC) For NEET Super Specialty Counseling, Represented by Special Director General Health Services, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, Dwaraka, Phase I, New Delhi.
- 6 The State of Telangana, represented by its Special Chief Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad
- 7 Kaloji Narayana Rao, University of Health Science, Warangal, represented by its Registrar
- 8 The State of Andhra Pradesh, represented by its Principal Secretary, Health, Medical and Family Welfare Department, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District
- 9 Dr. NTR University of Health Sciences, Represented by its Registrar, Vijayawada.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue appropriate Writ or order or direction mostly one which is in the nature of Writ of mandamus declaring the action of the Respondents 1 to 5 in not proposing to consider the candidature of the petitioner for 2nd and other rounds of counseling for admission to M.CH Super Specialty Courses in the colleges and seats for which the online counseling and allotment process is considered by the 5th Respondent for the academic year 2017-18 as illegal, irregular, arbitrary, unjustified, unconstitutional, unreasonable and unsustainable and direct the Respondents to permit the petitioner for the further rounds of counseling and for allotment of seat in available institutions and branch wise vacancies of M.CH Super Specialty Courses on 2017-18 by allotment of a seat as per the choice and merit of the petitioner.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SMT SODUM ANVESHA, Advocate for the Petitioner, Sri B. Nrayana Reddy, Asst. Solicitor General for Respondent Nos.1 to 3, Sri Vivek Chandrasekhar, Standing Counsel for Respondent Nos.4 & 5, GP for Medical & Health (TG) for Respondent No.6 and of Sri A. Prabhakar Rao, Standing Counsel for the Respondent No.7, GP for Medical & Health (A.P) for Respondent No.8 and of Sri Taddi Nageswara Rao, Standing Counsel for Respondent No.9.

WP NO.28055 OF 2017

Between:

Dr.K.Pursushotham Reddy, S/o.K.Rajeshwar Reddy,

..... Petitioner(s)

AND

- 1 The Union of India, Ministry of Health & Family Welfare, A Wing, Nirman Bhavan, Maulana Azad Road, New Delhi-110011, represented by its Secretary.
- 2 The Director General of Health Services, A Wing, Niranman Bhavan, Maulana Azad Road, New Delhi-110011, rep. by Director General of Health Services
- 3 The National Board of Examination, Mahatma Gandhi Road, Ansari Nagar, New Delhi-110029, Represented by its Executive Director.
- 4 The Medical Council of India, Pocket-14, Sector-8, Dwaraka, Phase-I, New Delhi, represented by its Member Secretary.
- 5 The Medical Counseling Committee Rep.by its Competent Authority, New Delhi
- 6 Kaloji Naryana Rao University of Health Sciences, Warangal, represented by its Registrar.
- 7 Dr.NTR University of Health Sciences, represented by its Registrar, Vijayawada.

- 8 The State of Telangana, Represented by its Special Chief Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Hyderabad.
- 9 The State of Andhra Pradesh, Represented by its Special Chief Secretary, Health, Medical and Family Welfare Department, Secretariat Buildings, Velagapudi, Guntur District.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring the Notice dated 18.8.2017 of the 5th Respondent in disallowing the candidates like the Petitioner belonging to the State of Telangana and State of Andhra Pradesh to participate in the Online All India Quota Super Speciality Counseling 2017-18 under NEET SS 2017-18 as illegal, arbitrary, irrational and contrary to law apart from violative of article 14 and 16 of the Constitution of India and consequently direct the Respondents to allow the Petitioner to participate in the NEET SS 2017-18 Counseling process for admission into the Institutions/Colleges notified at All India Level and allot the admission as per the merit and option of the Petitioner.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI V. MAHESWAR REDDY, Advocate for the Petitioner, Sri B. Nayana Reddy, Asst. Solicitor General for Respondent Nos.1 to 3, Sri Vivek Chandrasekhar, Standing Counsel for Respondent Nos.4 & 5, Sri A. Prabhakar Rao, Standing Counsel for the Respondent No.6, Sri Taddi Nageswara Rao, Standing Counsel for Respondent No.7, . GP for Medical & Health (TG) for Respondent No.8 and of GP for Medical & Health (A.P) for Respondent No.9.

WP NO.28064 OF 2017

Between:

K.Akankasha D/o K.V.L. Rao

..... Petitioner

AND

- 1 State of A.P , Represented by its Principal Secretary, Health and Medical, Velagapudi Secretariat, Guntur, A.P.
- 2 N.T R University of Health Sciences, INTR, UHS] Vijayawada, Represented by its Registrar
- 3 National Cadet Corps NCC Group Head Quarter, AP & T.S State Region, Secunderabad, represented by its: Deputy Director General.
- 4 Sailing Federation of India, No. 82, II Floor, Road No. 7 Jubilee Hills, Hyderabad.

.....Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to pass an order or orders or a writ, more particularly one in the nature of Writ of Mandamus declaring the Note No.5 in G.O.Ms.No.109, dated 18.08.2016 as arbitrary, untenable and contrary to the very spirit of the G.O. and consequently strike down the Note No.5 in the said G.O. in the interest of justice. . .

The petition coming on for hearing, upon perusing the Petition and the affidavit filed herein and upon hearing the arguments of SRI SARANG J. AFZULPURKAR, Advocate for the Petitioner, GP for Medical & Health (AP) for Respondent No.1, Sri Taddi Nageswara Rao, Standing Counsel for Respondent No.2 and of Sri B. Nayana Reddy, Asst. Solicitor General for Respondent No.3.

The Court made the following Common ORDER:

Heard all the learned senior counsel appearing on behalf of the writ petitioners. Mr. B. Narayana Reddy, learned Assistant Solicitor General, seeks time to get instructions.

Artificial barriers, when created by men, for short term gains, boomerang upon the very same persons in the long run. This is established by the batch of cases on hand.

The petitioners were allotted to various medical colleges through out the country for admission to superspecialities in medicine. The allotment was obviously on the basis of a common counseling conducted by the Centralized Agency on the basis of the Common Entrance Test.

Incidentally, the petitioners hail from the States of Telangana/Andhra Pradesh. Though all of them studied MBBS in other States and became non-locals, they were granted admission to postgraduate courses in medicine in various colleges in the States of Andhra Pradesh and Telangana, only because of their roots in these two States. In other words, the petitioners gained admission under the 15% quota available for non-locals in the medical colleges in the States of Telangana and Andhra Pradesh, by virtue of satisfying the criteria laid down in G.O.P. No.646, dated 10.07.1979.

It is relevant to note that this Government Order was issued, in pursuance of the Presidential Order issued under Article 371D of the Constitution.

In a writ petition filed by another set of candidates, we granted an interim order, in the light of the Presidential order issued under Article 371D for the States of Telangana and Andhra Pradesh. As a consequence of that order, the petitioners, who were allotted seats in superspeciality courses in the other States, have lost their admission, forcing them to come up with the writ petition.

In other words, Article 371D and the Presidential Order, on the basis of which claims were made so far, have now proved to

work against the petitioners. The petitioners are now pitted against their own brethren who want the Presidential Order to be implemented for the seats in the States of Telangana and Andhra Pradesh.

Since competing claims on the basis of Article 371D and the Presidential Order have now arisen, the issue requires to be considered, only along with the other writ petition where a prayer for implementation of Article 371D and the Presidential Order is sought. Hence, all these writ petitions shall be posted tomorrow along with W.P.No.27162 of 2017.

Till tomorrow, further counseling for superspeciality courses shall be put on hold by the respondents.

Sd/- T. YAKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

- 1 The Secretary, Ministry of Health and Family Welfare, Union of India, A Wing, Nirman Bhavan, Maulana Azad Road, New Delhi- 011,
- 2 The Director General, Health Services and Medical Co A-Wing, Nirman Bhavan, Maulana Azad Road, New Delhi- 011,
- 3 The Executive Director, National Board of Examinations, Mahatma Gandhi Road, Ansari Nagar, New Delhi- 029,
- 4 The Secretary, Medical Council of India Pocket-14, Sector-8, Dwarka Phase-I, New Delhi,
- 5 The Principal, Vardhman Mahavir Medical College and Safdargunj Hospital, Near AIIMS Hospital, Ansari Nagar, New Delhi- 029,
- 6 The Principal Secretary, Dept. of Health, Medical and Family Welfare, State of Telangana T- Secretariat, Hyderabad.
- 7 The Registrar, Kaloji Narayana Rao University of Health Sciences, Warangal,
- 8 Dr. Suprabhat Giri, S/o. Not Aware, R/o. C/o. MKCG Medical College, Berhampur.
9. The Director General of Health Services Medical Counseling Committee, C/o. Director General Health Services, Directorate General of Health Services, A wing, Nirman Bhavan, Maulana Azad Road, New Delhi 110011 Represented
10. The Special Chief Secretary, Health, Medical and Family Welfare Department, State of Telangana, Secretariat Buildings, Hyderabad
11. The Special Chief Secretary, Health, Medical and Family Welfare Department, State of Andhra Pradesh, Secretariat Buildings, Hyderabad.
12. The Secretary, Tata Memorial Hospital. Dr. E. Broges Road, Parel, Mumbai- 400 012 India,
13. The Secretary, Kidwai Institute of Oncology, KMIO Campus, Dr. MH Hariagowda Road, Near Bangalore Dairy Bengaluru, Karnataka 560029,
14. The Secretary, Regional Cancer Centre, Thiruvananthapuram, Medical College Campus, Chalakkuzhi, Thiruvananthapuram, Kerala 695011,
15. The Secretart, Sri Jayadeva Institute of Cardiology, Bannerghatta Main Road, Jayanagara 9th Block, Bengaluru, Karnataka 560069,
- 16 The Secretary, King George's Medical University, Shah Mina Road, Chowk, Lucknow, Uttar Pradesh – 226003,

17. The Secretary, Pandit Bhagawat Dayal Sharma Post Graduate Institute of Medical Sciences, Medical Rd. Rohtak, Haryana 124001
18. The Secretart, Government Medical College, Thiruvananthapuram, Utloor Road, Thiruvanthapuram, Kerala 695011,
19. The Secretary, Sri Ramachandra Uniersity, No.1, Ramachandra Nagar, Chennai, Tamil Nadu 600116
20. The Registrar, M.S.Ramaiah Medical College, M S Ramaiah Nagar, Mathikere, MSRIT Post, Beñgaluru, Karnataka-560054,
21. The Registrar, Dr.NTR University of Health Sciences, NH 16 Service Road, Gunadala, Vijayawada, Andhra Pradesh 520008,
22. The Special Director General, Medical Counseling Committee (MCC) For NEET Super Specialty Counseling, Directorate General of Health Services, Ministry of Health and Family Welfare, Government of India, Dwaraka, Phase I, New Delhi.
23. The Special Chief Secretary, Health, Medical and Family Welfare Department, State of Telangana Secretariat Buildings, Hyderabad
24. The Principal Secretary, Health, Medical and Family Welfare Department, State of Andhra Pradesh,A.P. Secretariat, Velagapudi, Amaravathi, Guntur District
25. The Deputy Director General, National Cadet Corps NCC Group Head Quarter, AP & T.S State Region, Secunderabad,
26. Sailing Federation of India, No. 82, II Floor, Road No. 7 Jubilee Hills, Hyderabad. **(1 to 3 SPEED POST)** .
27. One CC to SRI N ASHWANI KUMAR, Advocate (OPUC)
- 28., One CC to SRI A. VENKATESH, Advocate, (OPUC)
29. One CC to SRI BOBBILI SRINIVAS,, Advocate (OPUC)
30. One CC to SMT SODDAM ANVESHA,, Advocate (OPUC)
31. One CC to SRI V. MAHESWAR REDDY, Advocate (OPUC)
32. One CC to SRI SARANG J. AFZULPURKAR, Advocate, Advocate (OPUC)
33. Two CC to GP for Medical & Health (AP), High Court, Hyderabad **(SPL MESSENGER)**
34. Two CC to GP for Medical & Health (TG), High Court, Hyderabad **(SPL MESSENGER)**
35. One CC to Sri B. NARAYANA Reddy, Asst. Solicitor General **(SPL. MESSENGER)**
36. Two Spare copies

Tvr

HIGH COURT



VRS J & TR J

ORDER

DATED: 22-08-2017

WP .NOs:27988, 28025, 28026, 28042, 28055 and 28064 of 2017

