IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION NO: 21804 OF 2025

Between:

A.Varshini, D/o Late A. Krishna, Aged 20 years, H.No. 4-446, Near Masjid, Suraram Colony, Quthbullapur, Medchal-Malkajgiri District, Telangana State - 500055.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Medical and Health Department, Secretariat Buildings, Saifabad, Hyderabad
2. The Kaloji Narayan Rao University of Health Sciences, Rep. by Its Registrar, Warangal, Telangana State

...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 an appropriate Writ or Direction more particularly in the nature of Writ of Mandamus

(a) declaring the Notification and prospectus dated 15.07.2025 issued by the Respondent No.2 wherein the respondents have prescribed that a candidate shall study or reside for a period of not less than four consecutive academic years for admission into Under Graduate courses under Competent Quota in Telangana as Local candidate as per Rule 3(a) of Telangana Medical and Dental Colleges Admission, (Admission into

MBBS and BDS Courses) Rules 2017 as amended vide G.O. Ms. No.33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024 issued by the Respondent No. 1 as being violative of Articles 14,19 and 21 of Constitution of India;

(b) The Constitutional and legal validity of Rule 3(a) of Telangana Medical and Dental Colleges Admission, (Admission into MBBS and BDS Courses) Rules 2017 as amended vide G.O. Ms. No.33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024 issued by the Respondent No. 1 is hereby challenged on the ground that it is violative of Articles 14, 19 and 21 of Constitution of India and the orders of the Division Bench of this Hon'ble Court in W.P. No. 21910 of 2024 and Batch dated 05.09.2024 and W.P. No.21268 of 2023 and Batch dated 29.08.2023 which had become final which specifically held that the place of study or residence for a period of 4 consecutive years prior to qualifying exam does not have any rational nexus and object sought to be achieved by 2017 Rules;

(c) declaring that the petitioners are Local candidates for all the purposes of Admission into MBBS and BDS Courses for the Academic year 2025-26 under the aegis of KNR University of Health Sciences, Telangana State.

IA NO: 1 OF 2025

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 Rule 3(a) of Telangana Medical and Dental Colleges Admission, (Admission into MBBS and BDS Courses) Rules 2017 as amended vide G.O. Ms. No.33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024 pending disposal of this Writ petition pending disposal the above writ petition.

IA NO: 2 OF 2025

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 direct the respondent No. 2 to treat the petitioner as a Local candidate in the Telangana State for admission into MBBS/BDS for the academic Year 2025-26 under competent Quota in pursuant to NEET (UG) 2025 in accordance with orders of the Division Bench of this Hon'ble Court in the orders of the Division Bench of this Hon'ble Court ni W.P. No. 21910 of 2024 and Batch dated 05.09.2024 and W.P. No.21268 of 2023 & Batch dated 29.08.2023 and pending disposal of the above writ petition.

Counsel for the Petitioner: SRI ALLURI DIVAKAR REDDY

Counsel for the Respondent No.1: SRI R. NAGARJUNA REDDY,
AGP FOR MEDICAL, HEALTH AND FAMILY WELFARE

Counsel for the Respondent No.2: SRI T. SHARATH,
S.C. FOR KALOJI NARAYANA RAO UNIVERSITY OF HEALTH SCIENCES

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M. MOHIUDDIN

WRIT PETITION No. 21804 of 2025

ORDER:

Heard Sri Alluri Divakar Reddy, learned counsel for the petitioner, Sri R.Nagarjuna Reddy, learned Assistant Government Pleader for Medical and Health appearing for respondent No.1, Sri T.Sharath, learned Standing Counsel for Kaloji Narayana Rao University of Health Sciences appearing for respondent No.2 and perused the record.

2. This writ petition is filed under Article 226 of the Constitution of India, with the following prayer:-

> *".....to issue a writ or order or direction more particularly in the nature of Writ of Mandamus (a) declaring the Notification and prospectus dated 15.07.2025 issued by the Respondent No.2 wherein the respondents have prescribed that a candidate shall study or reside for a period of not less than four consecutive academic years for admission into Under Graduate courses under Competent Quota in Telangana as Local candidate as per Rule 3(a) of Telangana Medical & Dental Colleges Admission, (Admission into MBBS &BDS Courses) Rules 2017 as amended vide G.O. Ms. No.33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024 issued by the Respondent No. 1 as being violative of Articles 14,19 and 21 of Constitution of India; (b) The Constitutional and legal validity of Rule 3(a) of Telangana Medical &Dental Colleges Admission, (Admission into MBBS &BDS Courses) Rules 2017 as amended vide G.O. Ms. No.33 Health, Medical and Family Welfare (C1) Department dated 19.07.2024 issued by the Respondent No. 1 is hereby challenged on the ground that it is violative of Articles 14,19 and 21 of Constitution of India and the orders of the Division Bench of this Hon'ble Court in W.P. No. 21910 of 2024 & Batch dated 05.09.2024 and W.P. No.21268 of*

2023 &Batch dated 29.08.2023 which had become final which specifically held that the place of study or residence for a period of 4 consecutive years prior to qualifying exam does not have any rational nexus and object sought to be achieved by 2017 Rules; (c) declaring that the petitioner as Local candidates for all the purposes of Admission into MBBS & BDS Courses for the Academic year 2025-26 under the aegis of KNR University of Health Sciences, Telangana State; and (d) to pass such other orders as the Hon'ble Court may deem fit in the circumstances of this case and in the interest of justice.

3. Learned counsel for the petitioner contends that the petitioner was born in Telangana on 17.02.2005 and her Birth Certificate, Aadhaar Card, and other residential documents establish her domicile. Further, it is contended that she completed her Class I to VIII (2010-2018) in Telangana. However, she pursued her Class IX (2018-2019) and Class X (2019-2020) in the State of Andhra Pradesh, and returned to Telangana to complete her Intermediate i.e., Class XI and XII in the years 2020-2022. Subsequently, after she was qualified NEET (UG) -2025 she sought admission under the 'Competent Authority Quota' which was reserved for local candidates.

4. Learned counsel for the petitioner in the underlying writ petition contends as follows:

i. that an application for admission into MBBS/BDS courses was made to the respondent No.2-University for the academic year 2025-26 and accordingly respondent No. 2 issued the admission prospectus which were issued pursuant to the Telangana Medical & Dental Colleges Admission Rules, 2017 (for short 'Rules 2017') as

amended by G.O. Ms. No. 33, dated 19.07.2024 and released a notification dated 16.07.2025 for online registration for the said courses, wherein the prospectus, mandated compulsory submission of a residence certificate as per Annexure-II, stipulating four years of continuous study or residence in Telangana prior to the qualifying examination.

ii. that the said requirement contradicts and violates the binding directions of this Court in order dated 05.09.2024 in W.P. No. 21910 of 2024 & Batch and in order dated 29.08.2023 W.P.No.21268 of 2023 & Batch wherein this Court has held that a residence certificate is sufficient for categorization as a local candidate.

iii. that the said the Regulations were framed in pursuant to Rule.3(a) of Rules 2017 as amended *vide* GO. Ms. No.33 dated 19.07.2024, as framed under the Telangana Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983.

iv. that as per regulation 2.2 of the prospectus, he is treated as non-local even though he is permanent resident of Telangana State which is violative of orders of the passed in W.P. No. 21910 of 2024 & Batch and in W.P.No.21268 of 2023 & Batch.

5. We have taken note of the respective contentions urged.

6. It is pertinent to note that, though the learned counsel for the petitioner has vehemently contended and relied on the judgments of this Court in W.P.No.21268 of 2023 & batch, dated 29.08.2023 and in W.P.No.21910 of 2024 & batch, dated 05.09.2024, wherein it was held the previous incarnation of

Rule 3(a) to be arbitrary and violative of Article 14 of the Constitution, interpreting 'local candidate' to mean a candidate whose 'domicile' is Telangana or who is a 'permanent resident' of the State. However, this Court is of the view that the aforesaid legal position is unequivocal and does not support the petitioner's case, as the aforesaid judgements which have been relied by the learned counsel for petitioner were stayed by the Hon'ble Supreme Court *vide* order dated 20.09.2024 in SLP(C) Nos.21536-21588 of 2024. Further, the learned counsel's assertion that the SLP's were dismissed thereby upholding the view taken by this Court is factually incorrect.

7. The Hon'ble Supreme Court in ***State of Telangana and others v. Kalluri Naga Narasimha Abhiram and others***[1] while setting aside the impugned judgment dated 29.08.2023 of this Court, has categorically held as under:

> ***31.*** *For all the reasons noticed above, we are unable to uphold the impugned judgment dated 29.08.2023 of the High Court of Telangana.*
>
> ***33.*** *We have already held that the pre-amended rule defining a local candidate was perfectly in order, which reasoning applies squarely to the amended rule also. There was no warrant for a reading down when the definition is clear, in consonance with the Presidential Order and similar rules having been upheld by this Court as coming out from the binding precedents. We find no reason to take a different view with respect to the amended rule also; 15% having been conceded to the All-India quota.*
>
> ***34.*** *We also observe that the learned Advocate General has handed over a further amendment proposed, incorporating a proviso to Rule 3 as follows:—*

[1] 2025 SCC OnLine SC 1880

I. Provided that a candidate who studies outside Telangana for any period during the requisite four consecutive academic years ending with the academic year in which he appeared, or as the case may be, first appeared in the relevant qualifying examination will be eligible to be considered if they fall under any of the below categories:

1. Children of employees of the Telangana State Government who have served or are serving outside Telangana corresponding to the candidate's year/s of study outside Telangana.

2. Children of serving or retired employees belonging to the Telangana cadre of All India Services (IAS/IFS/IPS) who have served or are serving outside Telangana corresponding to the candidate's year/s of study outside Telangana.

3. Children of defence personnel/ex-servicemen/Central Armed Police Force service who at the time of joining service, have declared their hometown to be in the State of Telangana and who have served or are serving outside Telangana corresponding to the candidate's year/s of study outside Telangana.

4. Children of employees of a Corporation/Agency/Instrumentality under Government of Telangana, liable to be transferred anywhere in India as per the terms and conditions of his/her employment, who have served or are serving outside Telangana corresponding to the candidate's year/s of study outside Telangana.

II. Subject to the candidate submitting Certificate of employment from the competent authority for the candidate's father/mother's service outside the State for the period corresponding to the candidate's year/s of study outside Telangana.

36. *The appeals of the State and the University are allowed, setting aside both the impugned judgments in the Writ Petitions filed by the students. The Writ Petitions and the SLP filed by the students before this Court, as a consequence stand dismissed; however, with the reservation insofar as candidates who are covered by the proviso to Rule 3 as specified in paragraph 34 above. No order as to costs.*

Therefore, the legal position enunciated in W.P.No.21268 of 2023 & batch, dated 29.08.2023 and in W.P.No.21910 of 2024 & batch, dated 05.09.2024, was suspended in the light of the decision of the Hon'ble Supreme Court in ***Kalluri Naga Narasimha Abhiram***'s case *(supra 1)* and cannot be relied upon as a binding precedent. Further, it is not the case of the petitioner that she fall within the proviso to the Rule 3 of the Rules, 2017.

8. It is pertinent to note that the requirement of four consecutive years of study or residence is a conscious policy choice made by the State and has been designed to create a rational and verifiable classification to identify students who have a sustained and profound connection with the State's educational ecosystem. This Court in its judicial review cannot substitute its own wisdom for the legislative policy behind the Rule unless the said Rule is manifestly arbitrary or violates the Constitutional framework. The Rule delineates a specific class and ensures equal treatment of all individuals within that class, however, the petitioner does not fall within this defined class. Therefore, there is no violation of Article 14 of the Constitution, as the classification is founded on an intelligible distinction and bears a rational nexus to the legislative objective of regulating admissions.

9. It is settled in law that the State possesses the authority to prescribe objective, quantifiable, and rational criteria for determining the status of a 'local area' candidate for the purpose of admission to educational institutions, and such status does not constitute an absolute right vested in every permanent resident. The Hon'ble Apex Court in ***Pradeep Jain v. Union of India***[2], has held as under:

> ***19.*** *It will be noticed from the above discussion that though intra-State discrimination between persons resident in different districts or regions of a State has by and large been frowned upon by the Court and struck down as invalid as in Minor P. Rajendran case [AIR 1968 SC 1012 : (1968) 2 SCR 786 : (1968) 2 SCJ 801] and Peeria-karuppan case [(1971) 1 SCC 38 : AIR 1971 SC 2303 : (1971) 2 SCR 430] the Court has in D.N. Chanchala case [(1971) 2 SCC 293 : AIR 1971 SC 1762 : 1971 Supp SCR 608] and other similar cases upheld institutional reservation effected through university wise distribution of seats for admission to medical colleges. The Court has also by its decisions in D.P. Joshi case [AIR 1955 SC 334 : (1955) 1 SCR 1215 : 1955 SCJ 298] and N. Vasundara case [(1971) 2 SCC 22 : AIR 1971 SC 1439 : 1971 Supp SCR 381] sustained the constitutional validity of reservation based on residence requirement within a State for the purpose of admission to medical colleges. These decisions which all relate to admission to MBBS course are binding upon us and it is therefore not possible for us to hold, in the face of these decisions, that residence requirement in a State for admission to MBBS course is irrational and irrelevant and cannot be introduced as a condition for admission without violating the mandate of equality of opportunity contained in Article 14.* ***We must proceed on the basis that at least so far as admission to MBBS course is concerned, residence requirement in a State can be introduced as a condition for admission to the MBBS course. It is of course true that the Medical Education Review Committee established by the Government of India has in its report recommended after taking into account all relevant***

[2] (1984) 3 SCC 654

considerations, that the "final objective should be to ensure that all admissions to the MBBS course should be open to candidates on an all-India basis without the imposition of existing domiciliary condition", but having regard to the practical difficulties of transition to the stage where admissions to MBBS course in all medical colleges would be on all-India basis, the Medical Education Review Committee has suggested "that to begin with not less than 25 per cent seats in each institution may be open to candidates on all-India basis". *We are not at all sure whether at the present stage it would be consistent with the mandate of equality in its broader dynamic sense to provide that admissions to the MBBS course in all medical colleges in the country should be on all-India basis. Theoretically, of course,* ***if admissions are given on the basis of all-India national entrance examination, each individual would have equal opportunity of securing admission, but that would not take into account diverse considerations, such as, differing level of social, economic and educational development of different regions, disparity in the number of seats available for admission to the MBBS course in different States, difficulties which may be experienced by students from one region who might in the competition on all-India basis get admission to the MBBS course in another region far remote from their own and other allied factors.*** *There can be no doubt that the policy of ensuring admissions to the MBBS course on all-India basis is a highly desirable policy, based as it is on the postulate that India is one nation and every citizen of India is entitled to have equal opportunity for education and advancement, but it is an ideal to be aimed at and it may not be realistically possible, in the present circumstances, to adopt it, for it cannot produce real equality of opportunity unless there is complete absence of disparities and inequalities — a situation which simply does not exist in the country today. There are massive social and economic disparities and inequalities not only between State and State but also between region and region within a State and even between citizens and citizens within the same region. There is a yawning gap between the rich and the poor and there are so many disabilities and injustices from which the poor suffer as a class that they cannot avail themselves of any opportunities which may in law be open to them. They do not have the social and material resources to take advantage of these opportunities which remain merely on paper recognised by law but non-*

existent in fact. Students from backward States or regions will hardly be able to compete with those from advanced States or regions because, though possessing an intelligent mind, they would have had no adequate opportunities for development so as to be in a position to compete with others. So also students belonging to the weaker sections who have not, by reason of their socially or economically disadvantaged position, been able to secure education in good schools would be at a disadvantage compared to students belonging to the affluent or well-to-do families who have had the best of school education and in open all-India competition, they would be likely to be worsted. There would also be a number of students who, if they do not get admission in a medical college near their residence and are assigned admission in a far off college in another State as a result of open all-India competition, may not be able to go to such other college on account of lack of resources and facilities and in the result, they would be effectively deprived of a real opportunity for pursuing the medical course even though on paper they would have got admission in a medical college. It would be tantamount to telling these students that they are given an opportunity of taking up the medical course, but if they cannot afford it by reason of the medical college to which they are admitted being far away in another State, it is their bad luck: the State cannot help it, because the State has done all that it could, namely, provide equal opportunity to all for medical education. But the question is whether the opportunity provided is real or illusory? ***We are therefore of the view that a certain percentage of reservation on the basis of residence requirement may legitimately be made in order to equalise opportunities for medical admission on a broader basis and to bring about real and not formal, actual and not merely legal, equality****. The percentage of reservation made on this count may also include institutional reservation for students passing the PUC or pre-medical examination of the same university or clearing the qualifying examination from the school system of the educational hinterland of the medical colleges in the State and for this purpose, there should be no distinction between schools affiliated to State Board and schools affiliated to the Central Board of Secondary Education.* ***It would be constitutionally permissible to provide, as an interim measure until we reach the stage when we can consistently with the broad mandate of the rule of equality in the larger sense, ensure admissions to the MBBS course on the basis of national entrance examination*** *— an ideal which we must*

increasingly strive to reach — for reservation of a certain percentage of seats in the medical colleges for students satisfying a prescribed residence requirement as also for students who have passed PUC or pre-medical examination or any other qualifying examination held by the university or the State and for this purpose it should make no difference whether the qualifying examination is conducted by the State Board or by the Central Board of Secondary Education, because no discrimination can be made between schools affiliated to the State Board and schools affiliated to the Central Board of Secondary Education.....

(emphasis supplied)

10. It is pertinent to note that in the absence of any pleadings or evidence demonstrating compliance with the prescribed alternative objective criteria, the petitioner cannot claim any legitimate expectation or right to be recognized as a local candidate. The State is entitled to establish objective and verifiable standards to ascertain residency. Thus, the petitioner's failure to satisfy any of these prescribed criteria constitutes a complete and sufficient basis for respondent No. 2 to classify her as a non-local candidate.

11. Further, the petitioner's claim to domicile status based on a 'Residence Certificate' issued by the Tahsildar is misconceived. The Prospectus (Annexure-II) mandates a specific format for the Residence Certificate, which is to be issued exclusively to candidates who have resided continuously for four years within the State and not to those who have pursued studies outside the State. Therefore, the petitioner's certificate, which ambiguously refers to a "gap in education", fails to comply with

the prescribed mandatory format and thus, was rightly rejected by respondent No.2-University.

12. In light of the judgment of the Hon'ble Supreme Court in ***Kalluri Naga Narasimha Abhiram***'s case *(supra 1)*, the petitioner's case that she must be treated as a local candidate is legally untenable, as being failed to satisfy the stipulated criteria. Consequently, we find no merit in the writ petition and the challenge to the vires of Rule 3(a) of the Rules 2017 fails.

13. Accordingly, the Writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any shall stand closed.

SD/-A. SRINIVASA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. One CC to SRI ALLURI DIVAKAR REDDY, Advocate [OPUC]
2. Two CCs to GP for Medical, Health and Family Welfare, High Court for the State of Telangana at Hyderabad. [OUT]
3. One CC to SRI T. SHARATH, S.C. for Kaloji Narayana Rao University of Health Sciences [OPUC]
4. Two CD Copies

MP
BS

HIGH COURT

DATED:19/09/2025



ORDER

WP.No.21804 of 2025

DISMISSING THE WRIT PETITION
WITHOUT COSTS

7 copies
by
15/10/25