

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND**

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.23998 of 2026

DATE: 17.08.2026

BETWEEN:

Kodimela Samhitha

....Petitioner

AND

The Telangana State, Represented by
the Principal Secretary, Health,
Medical and Family Welfare (C1)
Department and another

....Respondents

ORDER

Heard Sri Rajkumar Gummi, learned counsel for the petitioner,
Sri A.Sudershan Reddy, learned Advocate General appearing for
respondent No1; Sri T.Sharath, learned Standing Counsel for Kaloji
Narayana Rao University of Health Sciences appearing for
respondent No.2 and perused the record.

2. The present writ petition is filed with the following prayer:

*".....issue a Writ of Mandamus, or any other appropriate Writ,
Order or Direction to set aside Sub-Rule (a)(iii) of Rule 3 of the
Telangana Medical & Dental Colleges Admission (Admission into
MBBS & BDS Courses) Rules, 2017, as amended by
G.O.Ms.No.150, Health, Medical & Family Welfare (C1)
Department, dated 08.09.2025, insofar as it excludes the*

children of employees of the Central Government and Central Government Corporations, as being illegal, arbitrary, unreasonable, discriminatory, ultra vires, and violative of Articles 14 and 15 of the Constitution of India;

Consequently, declare the Petitioner as a Local Candidate of the State of Telangana for all purposes of admission into MBBS & BDS Courses for the Academic Year 2026-27 under the aegis of Respondent No.2-KNR University of Health Sciences, and direct the Respondents to consider the Petitioner's candidature accordingly;

pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice”

Factual Matrix

3. The petitioner, Kodimela Samhitha, is the daughter of Sri Kodimela Rajani Kanth. She was born on 08.02.2008 at Hyderabad, Telangana, and claims to be a permanent resident of Hyderabad. Petitioner qualified in NEET (UG)-2026, securing 385 marks out of 720 and an All-India Rank of 310339 in the General Category, and is thus eligible to seek admission to the MBBS/BDS courses for the Academic Year 2026-27.

4. The petitioner's father is an employee of the Employees' State Insurance Corporation (ESIC), a Corporation under the Ministry of Labour & Employment, Government of India, who joined service on 09.09.1997 and, in the course of his employment, has served at different places in Telangana and Andhra Pradesh. While the family was residing at Hyderabad, the petitioner's father was transferred to Tirupati, Andhra Pradesh, w.e.f., 15.12.2016, where he continued to

serve until 21.05.2024, and thereafter transferred back to Hyderabad on 22.05.2024, where he continues to serve.

5. Consequent upon the transfer, the family relocated to Tirupati. The petitioner, who had studied Nursery to Class IV at Howard Public School, Hyderabad, pursued her education in Andhra Pradesh from Class V onwards. Petitioner studied Classes V to X at Sri Venkateswara Vidyalaya, Tirupati, from 2017 to 2023, followed by Intermediate (BiPC) at Sri Chaitanya Junior College, Tirupati, from 2023 to 2025. Thus, the petitioner could not complete the requisite four consecutive academic years of study within Telangana on account of her father's transfer outside the State.

6. The petitioner relies upon the Nativity Certificate issued by the Tahsildar, Hyderabad District, *vide* File No.C2/3573/2026, dated 17.07.2026, certifying that her father is a native of Telangana and that her education outside the State was occasioned by his official transfer. Notwithstanding the above, the petitioner does not fall within any of the four categories specified in the proviso to Rule 3(a)(iii), as her father is an employee of ESIC, a Central Government Corporation, and does not belong to any of the categories enumerated therein. Consequently, the petitioner is not being treated as a 'local candidate' under the impugned Rule.

7. Aggrieved by the petitioner's exclusion from the benefit of the said proviso, despite her having pursued education outside the State solely on account of her father's official transfer, the petitioner has approached this Court challenging the validity of the impugned provision and seeking consequential relief.

Submissions on behalf of the petitioner

8. The learned counsel for the petitioner advanced the following submissions hereunder:

- i) That the classification made under the proviso to Rule 3(a)(iii) is wholly arbitrary and unreasonable. The very object of the exception is to protect candidates who could not pursue their education within Telangana for the requisite period, not by choice, but on account of the transferable nature of their parent's employment. Having recognised such hardship in respect of four categories of employees, there is no justification for excluding children of Central Government employees and employees of Central Government Corporations/Undertakings.
- ii) That there is no rational or *intelligible differentia* between children of Telangana State Government employees and children of Central Government employees, such as employees of ESIC, insofar as the hardship arising from transfer is concerned. In both cases, the child is required to relocate

outside the State on account of the parent's official transfer. The distinction based solely on the nature of the employer has no rational nexus with the object sought to be achieved by the Rule.

- iii) That the classification is manifestly under-inclusive, as it excludes an identifiable class of similarly situated persons, namely, children of Central Government employees and employees of Central Government Corporations/Undertakings, who are equally liable to be transferred outside the State in the course of their employment and consequently suffer the same disability.
- iv) That the petitioner is denied the benefit of local candidature solely on the basis of the nature of her parent's employer, which is wholly unrelated to her educational hardship or her genuine connection with the State of Telangana. The relevant consideration ought to be the reason for studying outside the State and not whether the parent is employed by the State Government or the Central Government.
- v) That having recognised the hardship caused by compulsory transfer of parents in the specified categories, it is arbitrary and unjustified to deny the same benefit to the petitioner merely because her father is employed by a Central Government Corporation.

vi) That this Court in the interim order dated 11.09.2025 passed in W.P.No.27511 of 2025, wherein, in an identical challenge, it was *prima facie* found the exclusion of children of Central Government employees to be arbitrary and violative of Article 14 and granted interim relief. The facts of the present case, according to the learned counsel, are materially similar and, therefore, the petitioner is entitled to similar protection.

Submissions on behalf of the respondents

9. The learned Advocate General appearing for respondent No.1 has contended that while framing the proviso to Rule 3(a)(iii) pursuant to the judgment of the Hon'ble Supreme Court dated 01.09.2025 in Civil Appeal Nos.21536-21588 of 2024 and connected batch, the State Government had confined the exception to categories of employees having a direct nexus with the State Government. However, it is submitted that the rationale underlying the exception, namely, protecting children who were compelled to pursue their education outside the State on account of their parents' official transfers, would equally apply to children of Central Government employees. It is also assured that the issue is under active consideration of the State Government and that appropriate amendment or clarification is likely to be issued.

10. We have taken note of the respective submissions urged and perused the material on record.

Consideration by this Court

11. The challenge in the instant writ petition is the Sub-Rule (a)(iii) of Rule 3 of Telangana Medical and Dental Colleges Admission (Admission into MBBS & BDS Courses), Rules, 2017, as amended *vide* G.O.Ms.No.150 Health, Medical & Family Welfare (C1) Department dated 08.09.2025.

12. The challenge primarily is so far excluding the Central Government Employees posted out of the State of Telangana and their children by virtue of their parents' employment could not study in the State of Telangana for the last four years within the state of Telangana solely on account of her father's official transfer outside the State during the period from 15.12.2016 to 21.05.2024, and for which reason they are getting excluded from participating in the medical Entrance Admission both for the MBBS & BDS Courses.

13. Perusal of the Rules would show that the Government, in fact, has carved out certain exceptions for certain category of candidates, which for ready reference are reproduced hereunder:

(a) A candidate for admission into undergraduate courses under Competent Authority Quota' in Telangana should be Indian National/Person of Indian Origin (PIO)/Overseas Citizens of India (OCI) card holder and shall fulfil the following provisions:

i) If the candidate has studied in educational Institutions in such local area for a period of not less than 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.

(or)

ii) Where during the whole or any part of the four consecutive academic years ending with the academic year in which he appeared, or as the case may be, first appeared for the relevant qualifying examination, he has not studied in any educational institutions, if he has resided in that local area for a period of not less than four years immediately preceding the date of commencement of the relevant qualifying examination which he appeared or as the case may be first appeared.

iii) Local area herein means the State of Telangana. Further, in case the candidate has not studied in any educational institution and has resided in the local area as stated at (ii) above, to be eligible for admission into undergraduate courses under 'Competent Authority Quota', the candidate should have appeared for the relevant qualifying examination in the State of Telangana:

1. 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 officers 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 secured 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."

(Emphasis supplied)

14. From the plain reading of the aforesaid clauses, it is relevant to note that if exceptions can be carved out for those categories, reflected in the aforesaid clauses of exceptions, then is no justifiable reason for excluding the Central Government employees posted outside of State of Telangana and their children from availing benefit of the said exception so carved out.

15. In view of the fair and constructive concession made by the learned Advocate General for the State, wherein it has been expressly assured to this Court that appropriate clarification or amendment to G.O.Ms.No.150 would be issued to include the children of Central Government employees, Central Public Sector Undertakings, and Central Government Corporations within the ambit of the proviso to Rule 3(a), this Court does not deem it necessary to adjudicate upon the constitutional validity of the impugned Government Order at this stage. Instead, adopting a purposive and constructive approach, and in order to prevent irreparable hardship to the petitioner and similarly situated candidates pending the finalization of the proposed amendment, this Court issues the following directions.

16. For the reasons recorded hereinabove, and in light of the submissions made by the learned Advocate General on behalf of the State, this Writ Petition is disposed of with the following directions:

- i. It is hereby declared that the proviso to Rule 3(a)(iii) of the Telangana Medical & Dental Colleges Admission (Admission into MBBS & BDS Courses) Rules, 2017, as amended by G.O.Ms.No.150, Health, Medical & Family Welfare (C1) Department, dated 08.09.2025, shall, pending the issuance of a formal amendment, be read to include children of employees of the Central Government, Central Government Corporations, and Central Public Sector Undertakings, who have served or are serving outside Telangana, for the extension of the benefit of the said proviso, on the same terms and conditions as are applicable to the children of State Government employees.
- ii. Consequently, respondent No. 2, the Kaloji Narayana Rao University of Health Sciences, is directed to treat the petitioner as a 'local candidate' for the purpose of admission into MBBS/BDS courses for the Academic Year 2026-27 under the Competent Authority Quota, and to permit her to participate in the ongoing counselling process accordingly.
- iii. The 1st respondent-State of Telangana is directed to expeditiously finalize and issue the necessary clarification or

formal amendment to G.O.Ms.No.150, as assured by the learned Advocate General, to incorporate the category of employees of Central Government, Central Government Corporations, and Central Public Sector Undertakings, within the ambit of the exception under the proviso to Rule 3(a).

- iv. It is clarified that the declaration contained in paragraph (i) hereinabove, and the relief granted to the petitioner, shall operate *pro tanto* pending the issuance of the formal amendment by the State Government.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

APARESH KUMAR SINGH, CJ

G.M.MOHIUDDIN,J

Date: 17.08.2026
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