

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

THURSDAY, THE NINTH DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HON'BLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION NOS: 43521, 40827 AND 43048 OF 2022**

**WP NO.43521 OF 2022;**

**Between:**

Babu Benhur.R, S/o John Bilmoria.R aged about 48 years Occ .Temp pvt employment R/o Plot No.135, S.C.B. 5-20-241, Road No.4, Ravi colony, Mahindra Hills, Secunderabad

**...PETITIONER**

**AND**

1. THE STATE OF TELANGANA, Rep by its Principal Secretary Higher Education Department Secretariat Hyderabad Telangana State
2. THE TELANGANA STATE COUNCIL OF HIGHER EDUCATION, Represented by its Commissioner Masab Tank Hyderabad
3. THE CONVENOR, TS LAW CET and PGLCET 2022 Admissions Online Counselling Center PGRRCDE Osmania University Hyderabad Telangana State 500007
4. THE OSMANIA UNIVERSITY, Tarnaka Hyderabad Rep by its Registrar
5. The TELANGANA ADMISSION AND FEE, REGULATORY COMMITTEE, Represented by its Chairman,
6. Dr.B.R.Ahbedkar college of law, Repeented by its corospondent/Principal No.1-8-1.Bhaglingampally,Chikadpallay

**...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 ORDER OR A DIRECTION OR A WRIT ONE IN THE NATURE OF WRIT OF MANDAMUS DECLARING THE action of the respondents in not allotting admission/seat to the petitioner (Hall ticket no. No.12222101219/RANK-9049 into 3 year LLB Course under TS-Lawcet 2022 IN THE 6TH RESPONDENT INSTITUTION under 15% unreserved open quota as illegal, contrary to law judicial precedents fundamental rights and consequently

1. Direct the respondents 1 to 5 to admit the petitioner herein to the 6th respondent institution the 15% unreserved quota in TSLAWCET- and consequently direct

2. To set aside the 1st phase Counselling of TSLAWCET-2022 as it is not followed the ratio of 15% unreserved open quota.

3. To direct the respondent No.5 to take necessary action/steps to monitor the admissions to maintain 15% unreserved open seats by taking necessary steps for locals and non locals on Merit basis ( with No reservations)

**IA NO: 1 OF 2022**

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 direct the respondents herein in allot the seat to the petitioner in Convener Quota OF 15% OF UNRESERVED OPEN SEATS in TS-LAWCET-(Hall ticket no. No.12222101219/RANK-9049 in the 6th respondent institution/college pending disposal of the above writ petition

**IA NO: 2 OF 2022**

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 stay all further ongoing phase No.1 admissions of TS-LAWCET-2022 Pending disposal of the above writ petition

**Counsel for the Petitioner: SRI J. C. FRANCIS**

**Counsel for Respondent No. 1: GP FOR HIGHER EDUCATION**

**Counsel for Respondent Nos. 2 & 3: SMT. C. VANI REDDY**

**Counsel for Respondent No. 4: SRI CH. JAGANNATHA RAO**

**Counsel for Respondent Nos. 5 & 6: ----**

**WP NO: 40827 OF 2022**

**Between:**

Nava Sheela A, W/o J.C. Francis, aged 48 years, Occ. Household, R/o. 3-3-389/B, Chappal Bazar, Kachiguda, Hyderabad- Telangana.

**...PETITIONER**

**AND**

1. THE STATE OF TELANGANA, Rep by its Principal Secretary Higher Education Department Secretariat, Hyderabad, Telangana State.
2. THE TELANGANA STATE COUNCIL FOR HIGHER EDUCATION, Rep by its Commissioner, Masab Tank, Hyderabad.

3. THE CONVENOR TS LANCET and PGLCET 2022, Admissions Online Counselling Center PGRRCDE, Osmania University, Hyderabad Telangana State 500007.
4. THE OSMANIA UNIVERSITY, Tarnaka, Hyderabad, Rep by its Registrar.

...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 order or a direction or a writ one in the nature of writ of mandamus declaring the proceedings of the respondents dated 05.11.2022 declaring the petitioner (Hall ticket no. 12212101621) as not eligible for exercising the web options for admission into 3 year LLB Course under TS-Lawcet 2022 as illegal, contrary to law judicial precedents and fundamental rights including right to education and consequently direct respondents herein to grant the following reliefs. A. direct the respondents to permit the petitioner to exercise web options in TS Lawcet B. direct the respondents to consider the case as per Clause D(9) of the notification issued by the respondents for the TS Lawcet admissions 2022 by proper mode of communication in transparency with reference to admissions under the notifications therein

**IA NO: 1 OF 2022**

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 direct the respondents to include name of the petitioner (Hall ticket no 12212101621) in the registered list of candidates to be published on 17.11.2022 so as to enable the petitioner to exercise her web options in phase-1 in TS Lawcet 2022 counseling Pending disposal of the above writ petition and pass

**Counsel for the Petitioner: SRI DHARMESH D.K.JAISWAL**

**Counsel for Respondent No. 1: GP FOR HIGHER EDUCATION**

**Counsel for Respondent Nos. 2 & 3: SMT. C. VANI REDDY**

**Counsel for Respondent No. 4: SRI CH. JAGANNATHA RAO**

**WP NO: 43048 OF 2022**

**Between:**

NAVA SHEELA A, W/o J.C. Francis, aged 48 years, Occ. Household, R/o. 3-3-389/B, Chappal Bazar, Kachiguda, Hyderabad- Telangana.

...PETITIONER

**AND**

1. THE STATE OF TELANGANA, Rep by its Principal Secretary Higher Education Department Secretariat, Hyderabad, Telangana State.
2. THE TELANGANA STATE COUNCIL FOR HIGHER EDUCATION, Rep by its Commissioner, Masab Tank, Hyderabad.
3. THE CONVENOR - TS LAW CET, and PGLCET 2022, Admissions Online Counselling Center PGRRCDE, Osmania University, Hyderabad Telangana State 500007.
4. THE OSMANIA UNIVERSITY, Tarnaka, Hyderabad, Rep by its Registrar.
5. Dr.B.R. AMBEDKAR COLLEGE OF LAW, Rep. by it Correspondent/Principal, No.1-8-1, Bhaglingampally, Chikkadpally, Hyderabad.

...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 order or a direction or a writ one in the nature of writ of mandamus declaring the action of the Respondents in not allotting admission/seat to the Petitioner (Hall ticket no. 12212101621/rank no.2324) into 3 year LLB Course under TS-Lawcet 2022 in the 5th Respondent Institution as illegal, contrary to law judicial precedents, fundamental rights and consequently direct the Respondent No.1 to 4 to admit the Petitioner herein in the 5th Respondent Institution

**IA NO: 1 OF 2022**

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 Respondents herein to allot the seat to the Petitioner in Convenor Quota in TS-LAWCET (Hall ticket No.1221210162/Rank No.2324) in the 5th Respondent Institution/College pending disposal of the above writ petition

**IA NO: 2 OF 2022**

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 stay all further ongoing phase no.1 admissions of TS-LAWCET-2022 pending disposal of the above writ petition

**Counsel for the Petitioner: SRI DHARMESH D.K.JAISWAL**

**Counsel for Respondent No. 1: GP FOR HIGHER EDUCATION**

**Counsel for Respondent Nos. 2 & 3: SMT. C. VANI REDDY**

**Counsel for Respondent No. 4: SRI CH. JAGANNATHA RAO**

**Counsel for Respondent No. 5: -----**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE K.LAKSHMAN**

**WRIT PETITION Nos.43521, 40827 AND 43048 OF 2022**

**COMMON ORDER:**

The *lis* involved in all the present writ petitions is the same. Therefore, the same were heard together and are being decided by way of common order.

2. Heard Mr. J.C. Francis, learned counsel for the petitioner in W.P. No. 43521 of 2022, Mr. Dharmesh D.K. Jaiswal, learned counsel for the petitioners in W.P. No.40827 of 2022 and W.P. No. 43048 of 2022, learned Government Pleader for Higher Education appearing on behalf of respondent No.1 and Mrs. C. Vani Reddy, learned Standing Counsel for Telangana State Council for Higher Education (TSCHE) appearing on behalf of respondent No.2 in all the writ petitions and Mr. Ch. Jagannatha Rao, learned standing counsel for Osmania University, appearing on behalf of respondent No.4 in all the writ petitions.

3. **Facts of the case:**

i) The petitioners herein appeared for the T.S. LAW CET Examination (hereinafter referred to as 'examination') for admission into three (3) year undergraduate law course. The petitioner in W.P. Nos. 40827 of 2022 and 43048 of 2022 was allotted Hall Ticket No. 12212101621 and secured a rank of '2324'.

ii) As per the procedure of admission, the candidates qualifying the examination will be permitted to exercise web-options to select the colleges of their preference. *Vide* remarks on the website dealing with admissions of LAW CET, the petitioner in W.P. Nos. 40827 of 2022 and 43048 of 2022 was denied the option of marking her preferred colleges by the Convener, T.S. LAW CET (hereinafter referred to as 'Convener') on the ground that she studied and gave her tenth (10<sup>th</sup>) standard examination, intermediate examination and three-year undergraduate degree examinations outside the state of Telangana/Andhra Pradesh. Therefore, she was not entitled for a Convener Seat.

iii) The said action of denying the option of selecting the colleges of her preference was challenged by the petitioner in W.P. No.40827 of 2022. This Court *vide* interim order dated 11.11.2022 in I.A. No.1 of 2022 directed the Convener to permit the petitioner therein to exercise her web-options to select the colleges of her preference and permit her to participate in the admission counselling process, subject to the result of the writ petition.

iv) The petitioner in W.P. No.40827 of 2022 exercised her web-options and selected Dr. B.R. Ambedkar College of Law, Hyderabad as her 1<sup>st</sup> preference, K.V. Ranga Reddy College, Hyderabad as her 2<sup>nd</sup> preference, Andhra Mahila Sabha, Hyderabad as her 3<sup>rd</sup> preference and Marwadi College, Hyderabad as her 4<sup>th</sup> preference. However, after selecting her preferred colleges, the petitioner in W.P. No.40827 of 2022 was not allotted any college in the Phase-I provisional allotment of seats in Dr. B.R. Ambedkar College of Law, Hyderabad, which was her 1<sup>st</sup> preference. Challenging the non-allotment of a seat in Dr. B.R. Ambedkar College of Law, Hyderabad, the petitioner in W.P. No.40827 of 2022 filed another writ petition bearing W.P. No.43048 of 2022.

v) The petitioner in W.P. No.43521 of 2022 was allotted Hall Ticket No.12222101219 and secured a rank of '9049'. He exercised his web-options to select his preferred colleges for admission. He marked Dr. B.R. Ambedkar College of Law, Hyderabad as his 1<sup>st</sup> preference, Mahatma Gandhi Law College, Hyderabad as his 2<sup>nd</sup> preference, Panugoti Madhava Rao College, Hyderabad as his 3<sup>rd</sup> preference and Pendekanti Law College, Hyderabad as his 4<sup>th</sup> preference. However, no seat was allotted to him in the Phase I provisional allotment of seats. Therefore, he filed W.P. No.43521 of 2022 challenging the non-allotment of seat in Dr. B.R. Ambedkar College of Law, Hyderabad as illegal and arbitrary. Further, a direction was sought to direct Dr. B.R. Ambedkar College of Law, Hyderabad to grant him admission under the 15% seats of Convener quota. The petitioner also sought to set-aside the Phase I counselling and allotment of seats, as the same was in violation of relevant seat allotment rules.

vi) In W.P. No.43048 of 2022, this Court *vide interim* order dated 29.11.2022 in I.A. No.1 of 2022 directed the Convener to keep



one seat vacant in Dr. B.R. Ambedkar Law College, Hyderabad (Respondent No.5 therein).

vii) In W.P. No.43521 of 2022, this Court *vide* order dated 02.12.2022 in I.A. No.1 of 2022 directed the Convener to keep one seat vacant in Dr. B.R. Ambedkar Law College, Hyderabad (Respondent No.6 therein).

**4. Contentions of the petitioner in W.P. Nos.40827 of 2022 & 43048 of 2022:**

i) The petitioner is a local candidate and is entitled for admission under 85% seats reserved for local candidates under Andhra Pradesh Law Courses (Regulation of Admissions into 3 year and 5 year LLB/B.L. courses through Common Entrance Test) Rules, 2006 (hereinafter referred to as 'Rules, 2006).

ii) Though the petitioner studied her tenth (10<sup>th</sup>) standard examination, intermediate examination and three-year undergraduate degree outside the state of Telangana/Andhra Pradesh, she is still a local candidate as her parents were permanent residents of Telangana. Further, her husband is from Hyderabad and she has been residing in Telangana for more than twenty three years. In support of the same,

she filed her mother's Mulki Certificate dated 28.09.1970 and her Residence Certificate dated 02.04.2005.

iii) The petitioner shall be considered as a local as she is a permanent resident of Hyderabad and non-consideration of her candidature as a local is against Article 371D of the Constitution of India and Presidential Order, 1974.

iv) The petitioner, *in arguendo*, contends that in the event she is not treated as a local candidate for admission under 85%, she is entitled for admission as a non-local for the 15% unreserved seats. She relied on Rule 7 of the Rules, 2006.

v) Further, relying on the provisional allotment of list of Dr. B.R. Ambedkar Law College, Hyderabad it was contended that the seats in the 15% unreserved category are illegally allotted without following the Rules, 2006. She contends that there is no transparency in allotment of seats in 15% unreserved quota.

vi) Additionally, the petitioner contends that 15% unreserved seats are filled as seats reserved for local candidates and the same is illegal.

5. **Contentions of the petitioner in W.P. No.43521 of 2022:**

i) Though the petitioner is a local candidate, he is also entitled to claim a seat under the 15% unreserved category.

ii) The petitioner reiterated the contentions of the petitioner in W.P. Nos.40827 of 2022 and 43048 of 2022 that the seats were allotted contrary to the Rules, 2006 and the 15% seats unreserved seats are not filled. Therefore, he is entitled for a seat under the 15% category.

6. **Contentions of the Respondents:**

i) The residential status of the parents alone is not enough for the petitioner to claim status of a local candidate.

ii) The 15% unreserved seat category is open for both local and non-local candidates. The petitioners cannot contend that such 15% is restricted only for non-local candidates.

iii) Relying on **NTR University of Health Sciences, Vijayawada v. Dr. Babu Rajendra Prasad**<sup>1</sup> (hereinafter referred to

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<sup>1</sup>. (2000) 2 ALT 716 (FB)

as 'NTR University decided by the Full Bench of HC'), it was contended that reservation is calculated on the number seats available and such seats are proportionally divided between the 85% local category and 15% unreserved category.

iv) The petitioners in all the writ petitions are entitled to claim seat under the 15% unreserved seats. However, due to their ranks, they were not allotted seats in their preferred colleges.

**7. Findings of the Court:**

i) It is not in dispute that both the petitioners have secured qualifying marks in the examination. The only question before this Court is whether the petitioners are entitled for a seat as local candidates or non-local candidates and whether the allotment of seats by the Convener was in accordance with the applicable law.

ii) Before deciding the issues at hand, it is apposite to discuss the background behind having admissions to educational institutions in the name of local and non-local candidates.

iii) The erstwhile combined State of Andhra Pradesh consisted of three regions i.e., the Andhra region, the Telangana region and the

Rayalaseema Region. To ensure equal opportunities and representation to all the people from the three regions in matters of education and public employment, the Central Government *vide* the Thirty Second (32<sup>nd</sup>) Constitutional Amendment, 1973 added Article 371D to the Constitution of India. Article 371D empowers the President of India to pass orders in respect of the State of Andhra Pradesh to meet the requirements of the State for equal opportunities in the fields of education and employment.

iv) It is relevant to note that in exercise of the powers conferred under Article 371D of the Constitution of India, the President issued Presidential order: Andhra Pradesh Educational Institutions (Regulations and Admissions) Order, 1974 (hereinafter 'Presidential Order, 1974'). The said Presidential Order, 1974 defined the concept of local candidates, the concept of unreserved seats and the division of the available seats between 85% and 15%.

v) The Supreme Court in **Sandeep v. Union of India**<sup>2</sup> extracted the relevant provisions of the Presidential Order, 1974, which are further extracted below:

“15. At this stage we think it appropriate to refer to the relevant clauses of the Presidential Order. The pertinent clauses, we are inclined to think, are:

“**1.(2)** It extends to the whole of the State of Andhra Pradesh.

**(3)** It shall come into force on the 1st day of July, 1974.

**2. Interpretation.**—(1) In this Order, unless the context otherwise requires—

(a) ‘**available seats**’ in relation to any course of study, means the number of seats provided in that course for admission at any time after excluding those reserved for candidates from outside the State;

(b) ‘**local area**’, in respect of any university or other educational institution, means the local area specified in Para 3 of this Order for the purposes of admission to such university or other educational institution;

(c) ‘**local candidate**’, in relation to any local area, means a candidate who qualifies under Para 4 of this Order as a local candidate in relation to such local area;

(d) ‘**State Government**’ means the Government of Andhra Pradesh;

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<sup>2</sup>. (2016) 2 SCC 328