
2009 SCC OnLine AP 698 : (2010) 1 ALD 273 : (2010) 1 ALT 43

In the High Court of Judicature, Andhra Pradesh at Hyderabad
(BEFORE L. NARASIMHA REDDY, J.)

Sahithi Nanda and another

Versus

Government of A.P. and others

WP No. 14254 of 2009 and Batch
Decided on November 5, 2009



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COMMON ORDER

1. The Government of Andhra Pradesh felt that the opportunities for the students, hailing from rural areas, to get admission in professional courses, particularly in the Informational Technology; are inadequate, when compared to those, hailing from urban areas. With a view to remove this imbalance, and to establish a University and International Institutes of Information Technology, one each in three regions of the State, the Legislature enacted Rajiv Gandhi University of Knowledge Technologies Act, 2008 (for short 'the Act'). The objects of the University, the constitution and administration thereof are provided under the Act. As a result, three institutions at Idupulapaya, in Kadapa District, Basara, in Adilabad District, and at Nuzivedu in Krishna District ('Institutions', for short) were established with an intake of 200 students, each. The duration of the integrated course (for short 'the course') is six years. Candidates who have passed 10th Class/S.S.C., are eligible to get admission.

2. Certain statutes are framed along with the Act, and furnished in the Schedule. Statute No. 13 provides for admission into the course on local basis with "rural mandal", as basis. The criterion for selection is the percentage of marks, secured in the 10th/S.S.C. examination. A brochure was also issued by the University, prescribing the process for admission *etc.* The University is conferred with the status of a Statewide Institution, as provided for under the A.P. Educational Institutions (Regulation of Admissions) Order, 1974 (for short 'the Presidential Order').

3. The University addressed letters to students, mostly hailing from rural areas, who have passed 10th/SSC in the academic year 2008–09, with high percentage of marks, indicating that they stand a bright chance of being selected for admission into the course. Almost all the petitioners herein have received such communications or were furnished the information. They have exercised their option for being admitted in the Institutions, depending upon their eligibility, social status, local area, where they studied *etc.* However, in the ultimate admission process, the petitioners were not selected. Hence, they have approached this Court, by filing this batch of writ petitions.

4. Petitioners submit that the method of selection adopted by the respondents is totally defective and contains several subjective elements, leading to denial of admission to otherwise deserving candidates. According to them, one of the important factors in the admission process, *viz.*, classification of a mandal, as rural, or urban, is not provided for, either under the Act, or under the Statutes, and the information

contained in the brochure on this aspect is, as vague as it could be. The petitioners state that, in many cases, the same mandal was certified or classified as rural for some candidates, and as urban, for others, and that in turn has given rise to patent illegality, in the selection process.

5. The petitioners further submit that hardly there is any certainty or transparency in allotment of seats to mandals and the allotment was done according to the *ipsi dixit* of the authorities. It is also their case that the allocation among the students, hailing from Government schools, private schools, and residential schools does not have any statutory basis, and the same has resulted in denial of admissions to quite large number of petitioners, and other deserving students.

6. The University filed a counter-affidavit, stating *inter alia* that the Institutions were established with the sole object of helping the meritorious students, hailing from rural areas, and admissions were made strictly in accordance with the prescribed procedure. It is also stated that the status of mandal is to be certified by the concerned



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authorities of the Education Department, and the University has no say in the matter. The allotment of students to each mandal is said to have varied, on account of the substantial number of students, being selected under different categories, from certain mandals. It is also stated that every factor, relating to selection and admission, has a legal and statutory basis.

7. On behalf of the petitioners, their respective Counsel advanced arguments, touching on the lines, indicated above. Their main emphasis was, about the classification of mandals, allotment of students to each mandal, and the legality, or lack of it, in stipulating the ratio among the students from Government, private and residential schools. Arguments have also been advanced, touching on implementation of rule of reservation under the Presidential Order, *etc.* Several other contentions were also urged.

8. Learned Additional Advocate-General, who appeared for the University, submits that the students were selected for admission into the I Year of I.I.I.T Course, strictly in accordance with the relevant rules and norms. He contends that the Act was enacted with an object of providing preference to rural students, and it is but natural that students hailing from rural mandals are preferred. He further contends that the classification of mandals or allotment of students in each mandal was done objectively and in accordance with the relevant provisions of law.

9. A perusal of the preamble to the Act discloses the object with which, the University and the institutes were established. The following paragraph makes that aspect clear:

“And whereas, the Government has decided in order to cater primarily to the educational needs of the meritorious rural youth of Andhra Pradesh to establish an University in the name and style of Rajiv Gandhi University of Knowledge Technologies, head quarters at Idupulapaya, Kadapa District with constituent Institutes one each at Basara in Telangana, Nuzivedu in Coastal Andhra and Idupulapaya in Rayalaseema. It is proposed to commence courses in these Institutes during the next academic year *i.e.*, 2008–09 by undertaking a specific Legislation”.

10. With fairly large allocation of funds, institutions have been established and they started functioning from the previous academic year. It is not necessary to deal with

the constitution and establishment of the University and institutions in this batch of writ petitions. The manner in which the University and the Institutions are to be run, and several aspects, are provided for under the statutes. The Governing Council of the University, which is provided for under Section 5 of the Act is conferred with the power to make statutes. However, with a view to provide the functioning of the institution straightaway, the Act has appended 16 Statutes to the Schedule, to guide the administration of institutions. Statute 13 relates to admission of students. It reads as under:

"Statute-13: Student Admissions:

- (1) The institute shall be a fully residential.
- (2) The institute will cater primarily to the educational needs of the meritorious rural youth of Andhra Pradesh.
- (3) The admission process is based on the local basis with rural mandal as a unit, allowing for the established reservation norms.
- (4) The merit is based on the marks secured in the Secondary School Certificate (Tenth Standard) from out of the applicants".

11. As of now, this is the provision, which governs the admissions. Any amendment, or addition to this statute, could have been effected, by the governing council. It is significant to note that though Clause (3)



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of Statute 13 makes a mention to 'rural mandal', the expression is not defined, either under the Act, or the subordinate legislations. No mention is made to any enactment, or provision of law, which contains such a definition, or the yardstick, to decide the character of a mandal.

12. A perusal of the record discloses that, candidates were admitted by treating same mandals as rural, and urban. Strange part of it is, that, even district headquarters are shown as rural mandals. Ramagundam in Karimnagar District is an industrial town, as well as a mandal headquarter. Two students were admitted from that place. One student, by name, *Gandala Soujanya* was admitted by treating the mandal as urban, and another candidate by name, *Konnaveri Ganapath*, was admitted by treating the mandal as rural one. Such instances recurred in every district.

13. Across the Bar, it is stated that the University and institutions depended solely upon the certification made by the authorities of the education department. Here again, there is no uniformity. While in some cases, the certification was made by the District Educational Officers, in others, it is said to have been made by authorities of different category. One peculiar instance is, about the classification of the Manuguru Mandal by the District Educational Officer, Khammam, in relation to one candidate. He certified it to be rural. On a representation made by another candidate, he changed the classification to urban. Obviously, when pressure mounted from a different source, he made a somersault for second time, and took a different stand. For the whole exercise, the University remained as a silent spectator, and went by, not only the certification made by such authorities, but also the reversal of stances, without any rhyme or rhythm. Therefore, there is a serious flaw in the entire admission process, which would naturally reflect upon the admission.

14. The second serious flaw is, about the allocation of seats to each mandal. In the brochure printed and distributed by the University, the admission procedure is prescribed. Clause 2(iii) reads as under:

"Clause 2(iii): The district wise seats are further divided among the mandals

according to the rural population of the mandal. Then the fractional seats are rounded to the first decimal. The integer seats are assigned to each category. Finally, adjustment is made to achieve the correct district wise total in each reservation category at the District and State level”.

15. A plain meaning of this is, that, before the selections are made, and seats are filled, each mandal must be allocated the seats, according to the criterion mentioned above. No such exercise was undertaken. The allocation was made only in respect of each district, and the same was reflected in the brochure. The resultant allocations to mandals are so vague, arbitrary and haphazard, that hardly there exists any justification for it. It has already been mentioned that for Ramagundam Mandal, only two seats, that too, from O.C. category were allotted. The population of that mandal is said to be more than two lakhs in contrast, Sarangapur Mandal, which is predominantly rural and with a population of hardly seventy thousand was allocated six seats. Many mandals with similar status and equal, if not higher population, such as Kodimiyal Mahamuttaram, Malahar, were allotted only one seat each. In contrast, Jammikunta, which is said to be having less population, than Ramagundam, was allotted 14 seats. These discrepancies are not at all explained. In fact, they are incapable of being justified.

16. The prospectus/handbook provides for allocation of seats in different percentages in favour of students, hailing from Government, private and residential schools. This provision is given as a footnote, to the



tables of district wise allocation of seats. It reads:

“The seats indicated above will be allotted to the students attending Government, Private and Residential schools in the proportions of 70%, 20% and 10% respectively”.

17. Statute 13 has already been extracted in the preceding paragraph. The allocation on the basis of category of institutions in which the candidates studied, does not derive any support from the statute, much less, the provisions of the Act. Even in the prospectus, it occurs as footnote.

18. During the course of arguments, it emerged that the effect of reservations/allocations, referred to above, on the entire admission process, is phenomenal. Here again, the provision is not clear, as to whether the study must be in the institution, for the entire course, or mere appearance from institution would confer eligibility. It is not uncommon that large number of students appear as private candidates from Government schools. Their actual study is in some private or corporate schools, and the appearance in the examination would be from Government schools. Except that the Government schools would lend the name, the students would not be on its rolls. Not only the allocation has no statutory force, but also the provision is so vague, that it cannot be implemented, objectively and effectively.

19. The defects, deficiencies or illegalities pointed out above, are so serious, that they are sufficient to set aside the admissions of the entire six thousand students. The University has to be required to conduct admissions afresh, strictly in accordance with law. This naturally will result in the admissions of several students, who have already commenced the studies, being cancelled.

20. Learned Additional Advocate General submits that having regard to the fact that the career of six thousand students is involved, a practical solution may be indicated. It is brought to the notice of this Court that in the previous academic year

also, fairly large number of supernumerary seats were created. The classes are said to have been started in the first week of October, and that admissions into certain categories were effected, till the end of second week of October, 2009. The record discloses that the petitioners have secured very high percentage of marks, and several candidates, who obtained less percentage of marks, than them, were admitted.

21. This Court is of the view that the ends of justice would be met if such of the writ petitioners, who have approached this Court before 31.10.2009, shall be entitled to be admitted, in case, any candidate from the mandal, from which the respective petitioners hail and secured less percentage of marks have been admitted into the I year of I.I.I.T. Course, during this academic year. This process shall be completed within a period of two weeks from today. The respondents shall take necessary steps to address the defects and deficiencies pointed out above, before the admission process of the next academic year commences.

22. The writ petitions are accordingly allowed. There shall be no order as to costs.

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