

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Technical Education - EAMCET Engineering and other Professional Courses admissions - Implementation of reservations for SC/ST/BC's in Engineering and other professional courses - Certain instructions - Issued.

HIGHER EDUCATION(EC.2)DEPARTMENT

G.O.RL.No.550,

Dated:30-07-2001
Read the following:

1. G.O.Ms.No.184 Edn. dt.20-08-1993.
2. Supreme Court order dt.15-2-1996 in W.P. (C) No. 693 of 1995
3. A.P. High Court Order dt.23-2-2000 in W.P.No.26404 of 1999 & W.A.No.795 of 2000 & Batch
4. From the CTE., AP., Hyd. Letter No.H2/8216/2001
Dt. 6-6-2001.

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ORDER:-

The Commissioner of Technical Education, Andhra Pradesh, Hyderabad is informed that the issue of implementing reservations to Scheduled Castes/Scheduled Tribes/Backward Classes in Engineering Admissions has been examined in detail in the light of the judgement of the Supreme Court in Ritesh R. Shah Vs Dr.Y.L.Yamul AIR 1996 SC 1378 which was relied by the High Court of Andhra Pradesh in its judgement, dated 23-2-2000 in W.P.No. 26404 of 1999 & W.A.No. 795/2000 and batch and also in consultation with Backward Classes Welfare Department. The Legislature Committee on Welfare of Backward Classes, in its meeting held on 24-01-2001 has also discussed about the procedure adopted for the implementation of Backward Classes reservations for admission in Engineering Colleges and other professional courses and observed that the same procedure be adopted as followed in the admissions in the M.B.B.S. course. Besides this, there are certain representations from Backward Classes Welfare Association requesting to follow the judgement of the Hon'ble Supreme Court in Ritesh Shah's case in Engineering admissions and to implement the rule of reservation for Scheduled Caste/Scheduled Tribe/Backward Classes in true spirit.

2. The Andhra Pradesh Professional Educational Institutions (Regulation of Admission into Under-graduate Professional courses through Common Entrance Test) Rules, 1993 issued in G.O.Ms.No. 184 Education dated 20-08-1993 stipulate the following reservations, namely:-

- (i) SC's 15%
- (ii) ST's 6%
- (iii) BC's 25% and shall be allocated among the four groups of Backward Classes as follows:-
 - i) Group A - 7 %
 - ii) Group B - 10%
 - iii) Group C - 1%
 - iv) Group D - 7%

3. In the case of 'Ritesh R.Shah Vs. Dr.Y.L.Yamul and others' (A.I.R. 1996 S.C. 1378) the Supreme Court held as follows:-

"A student who is entitled to be admitted on the basis of merit though belonging to a reserved category cannot be considered to be admitted against seats reserved for reserved category. But at the same time the provisions should be so made that it will not work out to the disadvantage of such candidate and he may not be placed at a more disadvantageous position than the other less meritorious reserved category candidates. The aforesaid objective can be achieved if after finding out the candidates from amongst the reserved category who would otherwise come in the open merit list and then asking their option for admission into the different colleges which have been kept reserved for reserved category and there after the cases of less meritorious reserved category candidates should be considered and they will be allotted seats in whichever colleges the seats should be available. In other words, while a reserved category candidate entitled to admission on the basis of his merit will have the option of taking admission in the colleges where a specified number of seats have been kept reserved for reserved category but while computing the percentage of reservation he will be deemed to have been admitted as an open category candidate and not as a reserved category candidate".

4. Keeping in view of the judgement of the Supreme Court, the High Court in its order dated 23.2.2000 in batch of W.P. Nos. including

W.P.No. 26404 of 1999 and W.A.No. 795 of 1999 relating to MBBS admissions made by the NTR University of Health Sciences has ordered to fix the meritorious SC, ST & BC category students strictly in order of merit for the general seats adhering to the principles laid down by the Supreme Court in the Ritesh R. Shah's Case and accommodate meritorious students belonging to Scheduled Caste/Scheduled Tribe and Backward Classes students by deleting the other students allotted in the open competition from the list and resultant equal number of vacancies shall be filled up by drawing the other meritorious candidates belonging to Scheduled Caste/Scheduled Tribe and Backward Classes communities who will be next eligible. Therefore it is clear that the resultant vacancies shall be filled by the students belonging to the respective reservation categories only.

5 After careful consideration and due examination of the issue relating to implementation of reservation for Schedule Caste/Schedule Tribe and Backward Classes in Engineering and other Professional Courses the following instructions are hereby issued.

(i) In the counselling process, the seats to be filled by open competition should be filled up first, wherein the candidates should be called for counselling based on merit alone irrespective of whether they belong to S.C., ST or B.C in accordance with the instructions issued by the Government in G.O.Ms.No. 996, Employment & Social Welfare, dated: 11th November, 1975.

(ii) Next, reservation categories like SC/ST/BC candidates will be counselled to fill up the seats earmarked for them in their respective categories. During this process, if a candidate belonging to Scheduled Caste/Scheduled Tribe/Backward Classes who had taken admission under open competition, opts for a better branch or a better college of his choice for which he or she would be eligible as per the rules of reservation, the seat vacated by him or her in open competition shall be filled with a candidate from the same reservation category only, in order of merit.

6. Necessary amendments to the Andhra Pradesh Professional Educational Institutions (Regulation of Admissions into Under-Graduate Professional Courses through Common Entrance Test) Rules, 1993 issued in G.O.Ms.No.184, Education dt.20-8-1993 shall be issued separately.

7. The Commissioner of Technical Education, Andhra Pradesh/ the Chairman, A.P. State Council for Higher Education shall take further action to follow the above instructions in implementing the rule of reservation to SC/ST/BCs in admissions of Engineering, B.Arch., B.Pharmacy and other professional courses through Common Entrance tests. The Commissioner of Technical Education shall send necessary proposals for amendment of the said rules at the earliest.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.SUDHIR,
SECRETARY TO GOVERNMENT

To

- ✓ The Commissioner of Technical Education, A.P., Hyderabad.
- Copy to the Chairman, A.P. State Council for Higher Education, A.P., Hyderabad. For information and immediate necessary action.
- Copy to the Secretary, Social Welfare Department.
- Copy to the Secretary, Tribal Welfare department.
- Copy to the B.C. Welfare Department.
- Copy to the Health Medical & Family Welfare Department.
- Copy to the Law (E) Department.
- Copy to P.S. to Minister (Technical Education)
- Copy to the P.S. to Chief Secretary to Government of A.P.
- Copy to Additional Secretary to Chief Minister.

//Forwarded by Order//

V. Venkatesh Kumar
SECTION OFFICER