

Setting the EAMCET Right

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The imbroglio about the EAMCET/CETs has succeeded in confusing the public... thanks to their elected leaders. There was no need for this confusion which is due to the inability to approach the issue from the point of view of the AP Reorganization Act.

First, what does the Act say? Section 95 states: “In order to ensure equal opportunities for quality higher education to all students in the successor States, the existing admission quotas in all government or private, aided or unaided, institutions of higher, technical and medical education in so far as it is provided under Article 371D of the Constitution, shall continue as such for a period of ten years during which the existing common admission process shall continue.” What will continue, therefore, are “quotas” as provided by Article 371D and “common admission process”. This would suggest that these “quotas and admission process” would be determined by a Presidential Order under Article 371D. However, the old Presidential Order 1975 has no longer any legal power in Telangana.

Telangana Government will have to apply for a Presidential Order 2015 setting quotas and qualifications both for educational and employment opportunities in the State. This power is stated in Section 97: “The President may by order made with respect to the State of Andhra Pradesh or the State of Telangana, provide, having regard to the requirement of each State, for equitable opportunities and facilities for the people belonging to different parts of such State, in the matter of public employment and in the matter of education, and different provisions may be made for various parts of the States”.

Second, note that neither in Section 95 nor 97 is there any reference to examinations neither EAMCET, CET or any other. Now which entity is empowered to hold EAMCET? It used to be the AP State Council of Higher Education (APSCHE). This entity was covered under the Tenth Schedule of the Act. Section 75(1) states: “The Government of the State of Andhra Pradesh or the State of Telangana, as the case may be, shall, in respect of the institutions specified in the Tenth Schedule to this Act, located in that State, continue to provide facilities to the people of the other State”. The APSCHE is located in Hyderabad and therefore belongs to the Telangana State as per Section 75(1) and is obligated to offer the EAMCET and CETs to the residuary Andhra Pradesh State.

All this should have been clear to the legal advisers of AP. But its ministers and elected leaders either did not read the Act or misunderstood it deliberately to make temporary political capital out of what is a simple matter of abiding by the letter of the Act. But then, in the first place, they did not want the Act at all, so it should be no surprise they are imagining whatever they want from it!

The Telangana Chief Secretary, Dr.Rajiv Sharma (who incidentally, as Additional Secretary, MHA, drafted the Act) cleared up all this confusion and clarified the legal position by issuing a GO MS No: 33 in the name of the Governor on the last day of 2014. This clears the matter for EAMCET- 2015.

What the Government of Telangana has done is to use Section 101 which states: “For the purpose of facilitating the application in relation to the State of Andhra Pradesh or the State of Telangana of any law made before the appointed day, the appropriate Government may, before the expiration of two years from that day, by order, make such adaptations and modifications of the law.”

Under power conferred by this section, the Telangana Government has adopted 14 GOs (dating from 2004 to 2011) which were issued by the erstwhile Government of undivided AP and substituting wherever they occur the words “Andhra Pradesh” with the word “Telangana” . At one stroke, the APSCHE (created by the GOs adopted) has been transformed into the Telangana State Council for Higher Education (TSCHE) and authorized to hold EAMCET /CETs and allocate seats!

The GO Ms. 33 has also adopted the earlier G.O.Ms.No.74 to maintain that, as in the past, the EAMCET will be conducted by JNTUH. To the Admission Committee (headed by a Telangana nominee) the GO has added one member to be nominated by AP. As per Section 75(1), Telangana has offered to conduct EAMCET-2105 for residuary AP State also.

By this move, the issue has been sorted out and no legal contest can succeed as the Government of Telangana has acted as per the letter of the Act. There is hardly any room for dispute till such time as Telangana gets a Presidential Order 2015 which may or may not be the same as the Presidential Order 1975. If it differs, then Sections 95 and 97 will clash. That is a dispute for the future.

Why are the AP leaders so keen to hold EAMCET? Is it because, as some claim, that the tests were manipulated by AP resident_students? Or that counseling favors AP students to get into the best (Hyderabad-based) colleges?

Though TS is willing to offer 15 pc seats in the open quota in all colleges to Seemandhra students it will be open to TS students also. AP has doubts about the control it would have on the counselling conducted by TS and how it can ensure 15 pc quota for Seemandhras. AP fears that once CETs are separated, it would lose control over counseling.

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