

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (ST). NO.13304 OF 2017

Dr.Anam Khusrau Khan

.. Petitioner

vs.

State of Maharashtra & Ors.

.. Respondents

Mr.Anukul Seth i/b Mr.PV.Thorat for the Petitioner

Mr.B.V.Samant, Asst.Government Pleader for the respondent nos.1 to 3

Dr.Anam Khusrau Khan, petitioner present in person

CORAM : K. K. TATED &

A.K. MENON, JJ.

DATE : MAY 8, 2017

(VACATION COURT)

P.C.:

1 Heard the learned counsel for the parties.

2 By this petition, the petitioner seeks a direction for considering the petitioner's eligibility for appointment of Post Graduate Medical Course under NRI quota. On behalf of respondent no.1 to 3, the application is opposed on the basis that the final list was declared on 5.5.2017.

3 The learned counsel for the respondents also points out that by filing up the form, the petitioner had categorically chosen her status as "Indian" and that should she have desired to apply as "Non Resident

Indian”. The status to be chosen should have been “NRI”. This has not been done. Reliance is placed by the counsel for the petitioner on clause 4 at pg 63 showing important instructions titled “NEET PG/MDS 2017 (In context to Notice No.10, dated 21.4.2017)” which provides for candidates option “to change preference”. The learned counsel for the respondent states that clause 4 is not applicable. He also relied upon definition of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees Act), 2015 (Mah.Act No.XXVIII of 2015) wherein section 2(n) defines “Non Resident Indian (NRI)” means a person who is “not ordinarily resident” under sub-section (6) of section 6 of the Income Tax Act, 1961, and includes a person resident outside India under clause (w) of section 2 of the Foreign Exchange Management Act, 1999, and also includes his child or ward.

4 In the circumstances, the petitioner having applied as an “Indian” cannot now seek admission as NRI. Final list is already been published.

5 The learned Counsel for the respondents further states that present circumstances the petitioner could apply under NRI quota which will be subject to personal counselling and which process will commence after 9.5.2017 but the same will be subject to inter se merit of the candidates. The learned counsel for the respondents further states that no further application is required and that commencement of the counselling session will be published on the website by DMER in due course.

6 The learned counsel for the petitioner on instructions from the petitioner, who is present in court, states that she would then apply

under the said NRI quota upon the same commencing after 9.5.2017.

7 In the circumstances, Writ Petition is disposed of. No order as to costs. Petitioner's Advocate to remove all office objections.

(A.K.MENON, J.)

(K.K.TATED, J.)