

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED :20.03.2018  
CORAM

THE HON'BLE MR.JUSTICE R.MAHADEVAN  
W.P.Nos.14504 & 6734 of 2016 and  
WMP.Nos.12677/2016 & 6008/2016

Dhayashri, Minor

Rep. by her father and natural guardian

... Petitioner in both  
petitions

vs

1.Director-Management  
Ministry of Human Resources Development  
Department of Higher Education,  
Shastri Bhawan,  
New Delhi-110 001.

2.Central Board of Secondary Education,  
Shiksha Kendra,  
No.2, Community Centre,  
Preet Vihar, Delhi-110 092.

3.The Medical Council of India  
Rep.by its Secretary,  
Pocket 14, Sector-8  
Dwaraka Phase-1, New Delhi-110 077.

... Respondents in WP.No.14504/2016

1.Central Board of Secondary Education,  
Shiksha Kendra, No.2,  
Community Centre,  
Preet Vihar, Delhi-110 092.

2.Ministry of Home Affairs  
Rep.by its Secretary,  
North Block, Central Secretariat,  
New Delhi-110 001.

3.Ministry of Overseas Indian Affairs,  
Rep.by its Secretary,  
Akbar Bhawan  
Chanakya Puri, New Delhi-110 021.

4.The Medical Council of India,  
Rep.by its Secretary,  
Pocket 14, Sector-8  
Dwaraka Phase - I,  
New Delhi-110 077.

.. Respondents in WP.No.6734/2016

Prayer in WP.No.14504/2016: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1<sup>st</sup> respondent to instruct the 2<sup>nd</sup> respondent that Overseas Citizen of India cardholders can compete for the 15% All India Quota MBBS seats reserved for candidates who have appeared in All India Pre-Medical Test and should be treated on par with Non-Resident Indians (NRIs).

Prayer in WP.No.14504/2016: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Declaration declaring that the petitioner being Overseas Citizen of India is entitled to be treated on par with non-resident India candidates as per the Notifications of the Government of India, Ministry Overseas Affairs S.O.542(E), dated 11.04.2005 and the Ministry of Overseas Affairs S.O.36(E), dated 05.01.2009 in matters of Education and hence entitled to be considered eligible like the Non-Resident India candidates for the 15% All India Quota MBBS seats reserved for candidates who have appeared in All India Pre-Medical Test.

For Petitioner in both petitions :M/s.C.Uma

For Respondents in WP.No.14504/2016:Mr.N.Rajan SCGSC  
:Mr.G.Nagarajan for R2  
:Mr.V.P.Raman for R3

For Respondents in WP.No.6764/2016 :Mr.G.Nagarajan for R1  
:Mr.N.Rajan for R2 & R3  
:Mr.V.P.Raman for R4

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COMMON ORDER

When the matters were taken up for consideration, the learned counsel for the petitioner fairly submitted that the relief sought for herein has become infructuous, in the light of the averments made in paragraph no.6 of the counter affidavit filed by the respondents in WP.No.6734 of 2016, which read as follows:-

"I state that OCI/NRIs clearing the All-India Pre-Medical Test (AIPMT) are eligible for admission into the MBBS under the general, management and NRI quota. OCIs are also eligible for NRI quota, there should not be any difficulty in acceding to the demand. However, candidate seeking admission under the NRI quota shall be required to pay the fees prescribed for such NRI quota which is usually higher than the normal fees. All India Quota Scheme has been framed and approved by Hon'ble Supreme Court of India. As per provisions of this Scheme, the

students from All States / UTs (except of Jammu & Kashmir, Andhra Pradesh and Telangana) are eligible to participate for All India Quota MBBS/BDS seats. There is no provision for admission of NRI/OC/Foreign national candidates under 15% All India Quota MBBS/BDS seats. Therefore the remedy sought by the petitioner is not in accordance with the provision of 15% All India Quota Scheme. It has been clearly mentioned in the information Bulletin for NEET (UG)-2016 issued by CBSE, New Delhi that only Indian National candidates are eligible for 15% All India Quota MBBS/BDS seats. Further, to provide the opportunities to NRI/OCI candidates to study medical education in India, the Hon'ble Supreme Court of India has permitted the private Medical / Dental Colleges in India to admit such candidates under 15% NRI Quota Seats in its Management seats. For the current academic year 2016-17, the Hon'ble Supreme Court of India has re-introduced the NEET and made it mandatory for private colleges to admit only NEET qualified candidates against their Management Quota seats. In view of these provisions, the NRI/OCI candidates (including petitioner), who are aspiring to study medical education in India have to qualify the NEET-2016 and can seek admission in these private medical / dental colleges as per their rules and regulations under 15% NRI quota."

2. Recording the same, both the writ petitions are closed, granting liberty to the petitioner to approach the authorities concerned for another relief. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sk/kak

To

1. Director-Management

Ministry of Human Resources Development  
Department of Higher Education,  
Shastri Bhawan,  
New Delhi-110 001.

2. Central Board of Secondary Education,

Shiksha Kendra,  
No.2, Community Centre,  
Preet Vihar, Delhi-110 092.

3.The Secretary,  
The Medical Council of India  
Pocket 14, Sector-8  
Dwaraka Phase-1, New Delhi-110 077.

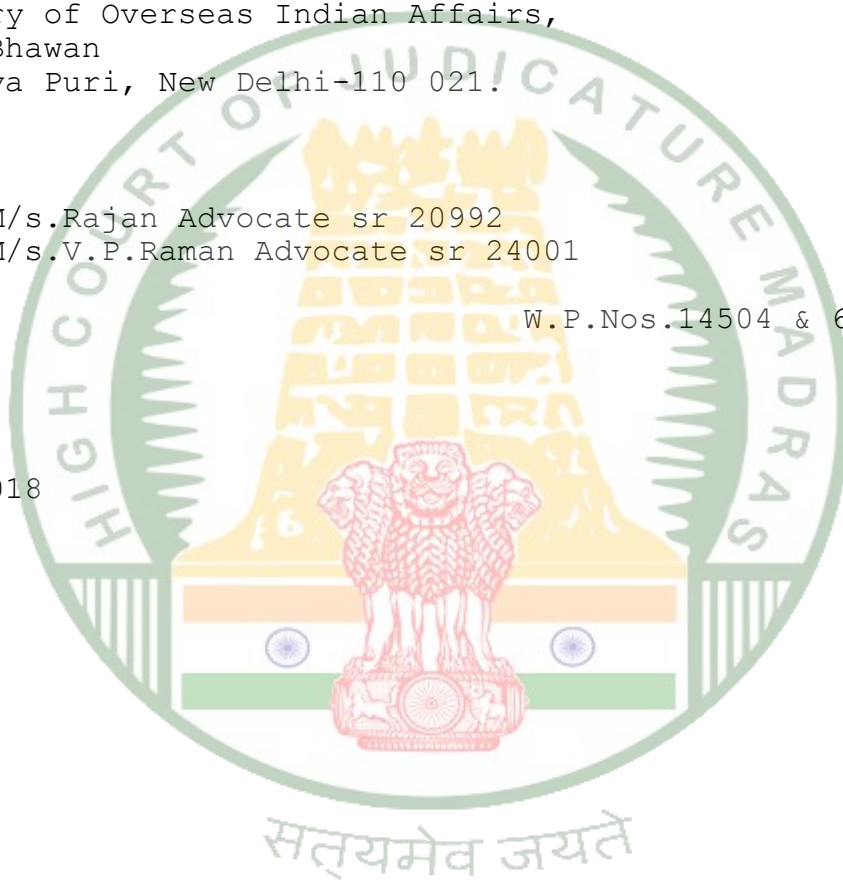
3.The Secretary,  
Ministry of Home Affairs  
North Block, Central Secretariat,  
New Delhi-110 001.

4.The Secretary,  
Ministry of Overseas Indian Affairs,  
Akbar Bhawan  
Chanakya Puri, New Delhi-110 021.

+1 cc to M/s.Rajan Advocate sr 20992  
+1 cc to M/s.V.P.Raman Advocate sr 24001

W.P.Nos.14504 & 6734 of 2016

ad(co)  
aa13/04/2018



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