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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1234/2019 and CM APPL. 5588/2019**

MR. EMMANUEL CHINEDU NNAEMEKA Petitioner
Through: Mr Jagdeep Mehra, Advocate.

versus

UNION OF INDIA AND ANR. Respondents
Through: Mr Gaurav Rohilla, Senior Govt.
Counsel, R-1 & 2/UOI with Mr
Abhimanyu, SI, FRRO, R-2.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **20.02.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents not to deport the petitioner and to permit the petitioner to pursue his higher education from India.
2. The petitioner states that he completed his initial education in Nigeria and had come to India for seeking higher education. It is stated that he had applied for a student visa for pursuing the course of Masters of Business Administration (MBA) from some University in India, and he was granted a student visa to pursue his studies at Singhania University, Pacheri Beri, Jhunjhunu, Rajasthan. It is stated that he has joined the said course in the year 2015 and completed the same in May, 2017. The petitioner states that after completion of the course of MBA, he took admission in OPJS University, Rawatsar Kunja, near Sankhu Fort, Rajgarh (Sadulpur, Jhunjhunu Road, District Churu, Rajasthan) for pursuing the Ph.D. Course.

He also took admission in H.R. Institute of Science and Technology, which is affiliated to CCS University, Meerut.

3. The counter affidavit filed on behalf of the respondents indicates that the petitioner has not disclosed several material facts. It is affirmed on behalf of the respondents that the petitioner has first arrived in India in 2011 on the strength of his passport (Passport bearing No. A00530270) and on a business visa. The said business visa expired on 26.05.2013 but the petitioner overstayed in India. He obtained an exit permit from the concerned FRRO and departed back to his country on 08.06.2013. He arrived once again in India few months later, that is, on 23.10.2013, on the strength of a medical visa issued on a new passport (Passport No. A04876792). The said medical visa was extended on four occasions at his request, and it finally expired till 06.12.2014. He returned back to his native country prior to expiry of the said visa.

4. The petitioner once again arrived in India on 13.07.2015 and this time, on a student visa. It is relevant to note that the petitioner had once again changed his passport and was now carrying a passport bearing No. A06692317. The said student visa issued to the petitioner was extended till 04.01.2018 on account of the petitioner pursuing his MBA degree at VAG Infotech Private Limited, South Extension-I, Delhi (stated to be affiliated with Singhania University, Rajasthan). After completion of his MBA Degree, the petitioner applied simultaneously for admission in Ph.D Course in OPJS University on 14.03.2018 as well as the BBA Course in the H.R. Institute of Management, Ghaziabad which was subsequently changed to BCA. It is alleged that the petitioner concealed his address and although he

was residing in Delhi, he indicated his residential address as being in Ghaziabad.

5. In view of the various visa violations, the petitioner was blacklisted and an LoC was issued against him on 25.07.2018. However, prior to that, the petitioner had departed India on 18.07.2018. He once again arrived back in India on 01.09.2018 and was denied entry on account of being blacklisted. This material fact has not been disclosed by the petitioner in the present petition. The learned counsel appearing for the petitioner submits that the concerned authorities had also stamped the petitioner's passport with the stamp of denial of entry. Nonetheless, the petitioner now entered Nepal on the strength of a fresh passport bearing No. A09763086 and on a tourist visa issued by the Consulate of Nepal. He entered illegally in India through Nepal Border sometime in October, 2018.

6. Thus, the petitioner is an illegal migrant as defined under the Citizenship Act, 1955.

7. In view of the above, no relief can be granted to the petitioner. First of all, for the reason that the petitioner concealed material facts and has not approached this Court with clean hands. Secondly, the decision of the respondents to treat the petitioner as an illegal migrant cannot be faulted.

8. The petition is, accordingly, dismissed. The pending application is disposed of.

VIBHU BAKHRU, J

FEBRUARY 20, 2019
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