

W.M.P.No.2620 of 2020
in
W.P.No.22933 of 2019

DR.G.JAYACHANDRAN,J.

This petition has been filed to extend the time limit fixed by this Court by order dated 02.08.2019 in W.P.No.22933 of 2019 for production of citizenship certificate and by order dated 15.11.2019 in W.M.P.No.3593 of 2019.

2.The case of the petitioner is that the parents of the petitioner are Indian citizens. When her father was employed in TCS and posted in the USA in the year 2001, her mother accompanied her father and the petitioner was born in U.S.A on 30.06.2001. She became a USA citizen by birth. Thereafter, in February 2002 she returned to India along with her parents. She holds a Person of Indian Origin (PIC)card. She pursued her studies in Chennai and completed +2 in the year 2019. Being qualified in 2019 NEET examination by securing 79594 place in All India rank, she was found eligible for a seat in counselling and was allotted a medical seat in ESIC Medical College, K.K.Nagar, Chennai on condition that she has to produce the citizenship certificate by 08.08.2019. Since the petitioner felt that by the time fixed it is difficult for her to get citizenship certificate, she

approached this Court by way of W.P.No.22933 of 2019.

3. On considering the peculiar difficulty faced by the petitioner and taking note of the delay in getting the citizenship certificate within the time limit prescribed by the Authorities, this Court granted 12 weeks time for the petitioner to get the citizenship certificate and produce the same before the authorities.

While passing the said order on 02.08.2019, this Court has observed as under:-

“5. In this case, taking into consideration of the submissions made by the learned counsel for the petitioner as well as the learned counsel for the respondents and as per Clause 15 (Discontinuation Fee) of the prospectus, it is necessary to pass an order to accommodate the petitioner herein in the ESIC Medical College, K.K.Nagar, Chennai provisionally on condition if the petitioner fails to produce the citizenship certificate, within a period of 12 weeks, the Institute will terminate her admission without further notice and on the part of the petitioner, she shall give an undertaking that if the petitioner is unable to produce the citizenship certificate, within a period of 12 week, she will get back all her certificates and also compensated the monetary loss of Rs.10,00,000/- as mandated in the Clause 15 of the prospectus.”

4. Thereafter, the petitioner moved a miscellaneous petition seeking

extension of time stating that the preliminary enquiry on the application of the petitioner is completed and the District Collector has forwarded recommendation to the State Government on 16.10.2019. On receipt of the recommendation, State Government has sought for police clarification and the same is awaited. Once the police clarification is obtained, the State Government will be forwarding the paper to the Central Government and the Central Government will in turn process the application and issue citizenship certificate, if the petitioner is found eligible. Taking note of the said fact, this Court extended time by another eight weeks by order dated 15.11.2019.

5. It is now brought to the notice of this Court in the present Miscellaneous Petition seeking extension of time that the petitioner could not get the citizenship certificate due to difficulty on the part of the petitioner to get her Person Indian Origin(PIO) Certificate converted into Overseas Citizens of India(OCI) certificate.

6. The learned Government Advocate appearing for the 1st respondent would submit that the scheme of issuing Persons of Indian Origin(PIO) was withdrawn under notification dated 09.01.2015 and the Persons of Indian

Origin cardholders were directed to apply for Overseas Citizens of India within the specific time limit. The last date was time and again extended and ended on 31.03.2019. No further extension given by the Ministry of Home Affairs for the conversion. The petitioner has failed to get her Persons of Indian Origin(PIO) card converted into Overseas Citizens of India (OCI)card. In so far as the issuance of certificate is concerned, it is for the Union of India to consider the application of the petitioner and State Government has no authority in it.

8. The learned Senior Panel counsel for the Union of India, Ministry of Home Affairs/5th respondent would submit that sofar the petitioner has not rectified the queries raised by the Union of India for considering her application. Unless she clarifies the queries raised by the Union of India and the same been properly forwarded by the State Government to the Union of India the Ministry of Home Affairs will not be in a position to consider her request.

9. The learned counsel appearing for the petitioner would state that the query raised by the Union of India has been answered by the petitioner and replied. However, this issue, in view of this Court, cannot be a reason for extending the time any further. Since, this Court, even at the inception while

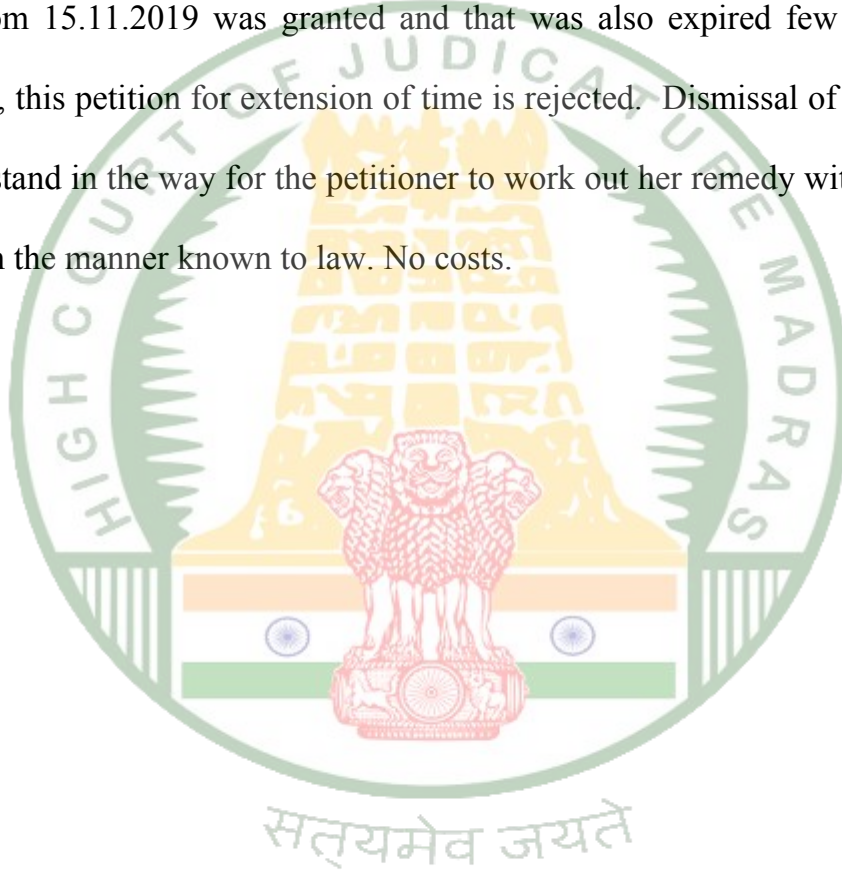
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granted relief to the petitioner, has made it clear that the petitioner shall give an undertaking to get citizenship certificate, within a period of 12 weeks, which expired in the first week of October 2019 and thereafter, further extension of 8 weeks from 15.11.2019 was granted and that was also expired few weeks ago. Therefore, this petition for extension of time is rejected. Dismissal of this petition shall not stand in the way for the petitioner to work out her remedy with the Union of India in the manner known to law. No costs.

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