



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 5793 of 2020
and
WMP No. 6780 of 2021

Ms. Love Mendie
D/o. Edet,
No.249, Agaram Main Road,
Chennai 600 073

.. Petitioner

Versus

Union of India
represented by
The Foreigners Regional Registration Officer
Haddows Road
Subba Road Avenue, Nungambakkam
Chennai - 600 006.

.. Respondent

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the entire records of the respondent herein rejecting petitioner's application No.060819QP31MQ, dated 28.12.2019 for extension of student visa and quash the same and consequentially direct the respondent to grant extension of petitioner's student visa.

For Petitioner : Mr. D. Selvam

For Respondents: Mr. B. Rabu Manohar
Senior Central Government Standing Counsel

O R D E R

The Petitioner calls in question the legality of the order dated 28.12.2019 passed by the respondent, rejecting her application for extension of student visa and after quashing the same, seeks for a consequential direction to the respondent to grant extension of her student visa.



2. The petitioner belongs to a foreign country namely Nationality Economic Republic of Nigerian. She got admission to pursue M.Sc. Bio-Chemistry in a College at Chennai during the academic year 2016-2018. For pursuing such course, she was granted student Visa from 23.4.2016 to 22.10.2016 and it was subsequently extended till 30.09.2018 by the respondent. After completion of Master Degree, the petitioner decided to pursue her higher studies in India and she got admission for P.hD Biochemisry at B.S.Abdur Rahman Crescent University, Chennai for the academic year 2019-2020. The petitioner also joined the college on 14.6.2019.

3. According to the petitioner, as she was in a hurry and busy in getting admission for pursuing P.hD, she did not get her student visa extended for a further period. The petitioner however applied for her visa extension through online vide application ID No.060819QP31MQ, but the same was rejected by the respondent without assigning any reasons.

4. The learned counsel for the petitioner would contend that the petitioner came to India only for the purpose of pursuing higher education. In the process of getting admitted to a College in Chennai, she inadvertently did not obtain her visa extended for a further period. While so, the respondent passed the order dated 28.12.2019 stating that her application has been rejected/cancelled. The order of cancellation passed by the respondent would adversely affect the prospects of the petitioner to pursue her P.hD course. Further, the respondent passed the order of rejection without granting her an opportunity for complying with the requirements, if any. The learned counsel for the petitioner therefore prayed for allowing this writ petition.

5. The learned Standing counsel appearing for the respondent fairly submitted that on account of insufficiency of documents, the application of the petitioner came to be rejected. He would further submit that if the petitioner produce all the required documents along with a fresh application, the same would be considered by the respondent on merits.

6. Heard Mr. D. Selvam, learned counsel appearing for the petitioner and Mr. B. Rabu Manohar, learned Senior Central Government Standing Counsel appearing for the respondent.

7. In the light of the above facts, this Court is not inclined to venture into the correctness or otherwise of the order of rejection dated 28.12.2019 passed by the respondent. At the same time, in view of the submission made by the learned Standing Counsel appearing for the respondent, the petitioner



is directed to approach the respondent with a fresh application along with all the requisite documents within a period of one week from the date of receipt of a copy of this order. On receipt of such application, the respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of two weeks thereafter.

8. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr /rsh

To

The Foreigners Regional Registration
Officer,
Haddows Road, Subba Road Avenue,
Nungambakkam, Chennai 600 006.

+1cc to Mr.D.Selvam, Advocate Sr No.42353
+1cc to Mr.B.Rabu Manohar, Advocate Sr No.41637

WP No. 5793 of 2020

MG (CO)
PR (05/10/2021)