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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13188 OF 2025

Padmaja d/o. Sanjay Ladda,
Age: 24 years, Occu.: Students,
R/o. Bhagyanagar, Old Ausa Road,
Latur, Tq. and Dist. Latur.

... Petitioner

Versus

1. The Union of India
Through its Principala Secretary,
Directorate General of Health Services,
Nirman Bhawan, New Delhi – 110108
2. The State of Maharashtra,
Through its Principlal Secretary,
Medical Education and Healt Department,
Mantralaya Mumbai-32.
3. The Hon'ble Advocate General,
Maharashtra State, Mumbai
4. The Commissioner/Competent Authority,
State Common Entrance Test Cell, Mumbai,
Maharashtra State Mumbai, 8th Floor,
New Excelsior, Building, A.K. Nayak Marg,
Fort Mumbai-400001.
5. Medical Counselling Committee,
Ministry of Health and Family Welfare,
Nirman Bhavan, Delhi.
6. The Higher and Technical Educational
Department, through its
Secretary, Mantralaya Mumbai-32.

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Mr. Anand Indrale Patil, Advocate h/f Mr.Vinod P. Patil, Advocate for the
Petitioner

Mr. S.W. Mumde, Senior Pnel Counsel for Respondents No.1 and 5.

Mr. Pralhad Paranjape, Advodate a/w Ms. Tirtha Pawar, Advodate for
Respondents No.4

Mr. S.K. Tambe, Addl.G.P. for Respondents No.2, 3 and 6

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CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATED : 01 DECEMBER, 2025

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. **Rule.** Rule made returnable forthwith. By consent of the learned counsel for the parties, the petition is taken up for final hearing.

2. This petition under Article 226 of the Constitution arises in the context of admissions to postgraduate medical courses (MD/MS) in the State of Maharashtra for the academic year 2025–2026. The petitioner has completed MBBS from MGM University, Chhatrapati Sambhaji Nagar and desires admission to postgraduate medical courses against State quota seats in Government/Corporation, State or Central Government aided, and unaided private or minority medical institutions situate within the State of Maharashtra.

3. The petitioner seeks admission under the NRI/OCI quota. The cause of action for the present petition arises from Notice No. 02 for NEET-PG 2025 dated 30.10.2025, issued by the State Common Entrance Test Cell, Mumbai. The said notice prescribes the eligibility criteria and registration process for candidates claiming NRI status and adopts a revised definition of “Non-Resident Indian” introduced

by Maharashtra Ordinance No. VI of 2025 dated 25.06.2025, which was subsequently enacted into law. The petitioner challenges the said notice insofar as it applies the amended definition of NRI and prays for its quashing. The petitioner further seeks quashing of the said ordinance and the Act replacing it on the ground that they are illegal, arbitrary, and bad in law, being contrary to the guidelines issued by the Union Government and the law laid down by the Supreme Court. Consequently, the petitioner seeks a declaration that he/she is eligible to be considered under the NRI/OCI quota for postgraduate medical admissions.

4. The petitioner's factual case is that her real aunt, namely her father's real sister, is residing in the United Kingdom and fulfills all the requisite criteria. On this basis, the petitioner contends that she is eligible to apply as an NRI/OCI candidate under the documentation framework linked to Union guidelines and the principles laid down by the Supreme Court. The petitioner states that she is unable to complete the online registration process because the amended definition of "NRI" introduced by the State disqualifies her. According to the petitioner, she would otherwise be eligible under the framework applicable at the national level, including the revised guidelines for issuance of NRI certificates by Indian Missions or Posts

abroad and the counselling instructions that prescribe submission of specified documents by candidates claiming NRI status.

5. The petitioner's counsel submits that the Union of India, through the Directorate General of Health Services, New Delhi, issued a notice dated 26.09.2025 requiring candidates claiming NRI/OCI status to submit specified documents, including proof of the NRI status of the concerned parent or relative and proof of relationship. It is further submitted that the Ministry of External Affairs issued a corrigendum dated 30.07.2025 revising the guidelines for issuance of NRI certificates by Indian Missions or Posts abroad. According to the petitioner, the notice dated 30.10.2025 issued by the State Common Entrance Test Cell adopts a State-amended definition of "NRI" and, in doing so, ignores the requirements prescribed under the Union framework as well as the law declared by the Hon'ble Supreme Court. The petitioner's counsel places strong reliance on the order of the Hon'ble Supreme Court dated 22.08.2017 in *Consortium of Deemed Universities in Karnataka & Anr. v. Union of India & Ors.*, (2022) 18 SCC 58, to contend that the Supreme Court recognized, at least for the purposes of counselling under the NRI quota, that nearest relatives, including real aunts and uncles, may be relevant in determining eligibility as a

“ward.” It is submitted that the amended definition introduced by the State impermissibly restricts eligibility and runs contrary to these principles. It is further urged that where State norms are inconsistent with Union norms, the Union position must prevail, and on this ground the State amendment as well as the impugned CET Cell notice are liable to be quashed.

6. Per contra, the learned counsel appearing for the State of Maharashtra and the State Common Entrance Test Cell submits that admissions and fees of unaided private professional educational institutions in the State are governed by the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Act, 2015, and the rules framed thereunder. It is submitted that, prior to the impugned amendment, Section 2(n) of the 2015 Act defined a “Non-Resident Indian (NRI)” as a person who is “not ordinarily resident” within the meaning of Section 6(6) of the Income Tax Act, 1961, and included a person resident outside India under the Foreign Exchange Management Act, 1999, together with his or her child or ward.

7. The State submits that it was observed that genuine NRI candidates were often deprived of seats due to misuse of the NRI

quota through artificial sponsorship or guardianship arrangements. In order to curb such misuse, the State considered it necessary to amend the definition of NRI so as to align it with the principles laid down by the Constitution Bench in ***PA. Inamdar v. State of Maharashtra***, (2005) 6 SCC 537, which recognised a limited NRI quota, not exceeding 15%, for *bona fide* NRIs and their children or wards, while cautioning against abuse of the quota.

8. It is submitted that Maharashtra Ordinance No. VI of 2025 substituted the definition of “NRI” to require that a person who is not ordinarily resident must possess an NRI certificate issued by an Indian Mission or Post abroad, and that the expression “child or ward” must be understood in accordance with the definition of “ward” under the Guardians and Wards Act, 1890. The State further submits that the said ordinance has since been replaced by an Act, and therefore the amended definition now forms part of the statutory law in force.

9. It is contended that certificates of sponsorship or guardianship issued by relatives outside the statutory framework cannot confer eligibility under the NRI quota. The State further submits that the petitioner, who was not admitted to the MBBS course under the NRI

quota, cannot now rely on a broader and non-statutory understanding of NRI status to claim eligibility for postgraduate admissions.

10. The State places reliance on decisions of the Punjab and Haryana High Court, including *Devbir Singh v. State of Punjab & Ors.*, 2024 SCC OnLine P&H 12023 and *Prithvansh Malhotra v. State of Punjab & Ors.* 2024 SCC OnLine P&H 15766, which have disapproved the expansion of NRI eligibility through extended relatives or guardianship arrangements created solely for the purpose of securing admission. It is further submitted that the Special Leave Petition challenging the decision in Devbir Singh (supra) was dismissed by the Supreme Court on 24.09.2024.

11. The State argues that the order of the Supreme Court dated 22.08.2017 in the *Consortium of Deemed Universities* (supra), an interim arrangement, expressly limited to deemed universities and applicable only for that academic year, and therefore cannot override a State statute. It is further submitted that there is no constitutional conflict between Union executive instructions prescribing documentation requirements and a State law that lays down substantive eligibility criteria for admissions under the State quota.

12. Having considered the rival submissions, the principal issues that arise for determination are:

- “(i) whether the amended statutory definition of “NRI” under the law in Maharashtra is ultra vires or unconstitutional;
- (ii) whether the Union guidelines and notices relied upon by the petitioner override or invalidate the State statute;
- (iii) whether the petitioner can claim eligibility under the NRI quota on the basis of her aunt’s residence abroad by relying on the Supreme Court’s order dated 22 August 2017; and
- (iv) whether the State was competent to promulgate the ordinance and subsequently enact the amendment into law.”

13. The analysis must begin with the statutory scheme. Under the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admission and Fees) Act, 2015, as it stood prior to the amendment, Section 2(n) defined a “Non-Resident Indian (NRI)” broadly to include a person who is not ordinarily resident within the meaning of the Income Tax Act, 1961, or a person resident outside India under the Foreign Exchange Management Act, 1999, and also

included his or her child or ward.

14. By Maharashtra Ordinance No. VI of 2025 dated 25 June 2025, Section 2(n) was substituted. The amended definition now requires that a person who is not ordinarily resident must also have been issued a Non-Resident Indian certificate by an Indian Mission or Post abroad, and further provides that the expression “child or ward” shall mean a “ward” as defined under the Guardians and Wards Act, 1890.

15. The legislative intent is clear. First, the amendment introduces an objective and verifiable requirement in the form of an NRI certificate issued by an Indian Mission or Post abroad. Second, by linking the term “ward” to the Guardians and Wards Act, 1890, the legislature has confined eligibility to legally recognized relationships, thereby excluding informal or admission-specific sponsorship or guardianship arrangements that are not recognized in law.

16. On the petitioner’s own case, the claim to eligibility under the NRI quota is not based on either parent being an NRI ordinarily residing abroad. Instead, the claim rests on the petitioner’s real aunt residing in the United Kingdom and her willingness to sponsor the petitioner. Under the amended statutory definition, mere proof of

such relationship and sponsorship does not render the petitioner the “child” of an NRI, nor does it automatically establish the petitioner as a “ward” within the meaning of the Guardians and Wards Act, 1890.

17. The Court is not called upon to determine, on the facts of the present case, whether the petitioner satisfies the statutory requirements of being a “ward” under the said Act. Rather, the core of the petitioner’s argument is that eligibility can be claimed even without meeting that statutory condition, by relying on a broader concept of “nearest relative.” This submission directly conflicts with the plain language of the amended statute. A writ court cannot, under the guise of interpretation, rewrite or dilute legislative provisions, particularly where the amendment consciously restricts eligibility to address a recognized mischief.

18. The petitioner’s legal argument is founded on an alleged “conflict” between State law and Union norms. In support, reliance is placed on Union-level instruments, namely: (i) the notice dated 26.09.2025 issued by the Directorate General of Health Services / Medical Counselling Committee, which prescribes the documents to be submitted by candidates claiming NRI/OCI status; and (ii) the corrigendum dated 30.07.2025 issued by the Ministry of External

Affairs, revising the guidelines for issuance of NRI certificates by Indian Missions or Posts abroad. These instruments are executive or administrative in nature and primarily deal with the procedure for issuance and verification of NRI certificates and the documentation required during counselling. They do not amount to Parliamentary legislation defining eligibility criteria for NRI quota admissions under the State quota in Maharashtra.

19. The doctrine of repugnancy under Article 254 of the Constitution is attracted only where there is a conflict between a State law and a law enacted by Parliament with respect to a subject in the Concurrent List, or where Parliament has evinced an intention to occupy the entire field. The settled tests for determining repugnancy—namely, whether there is a direct inconsistency such that both laws cannot operate together, or whether Parliament has intended to cover the whole field.

20. In ***M. Karunanidhi v. Union of India***, (1979) 3 SCC 431, the Hon'ble Supreme Court has held as under:

“24. It is well-settled that the presumption is always in favour of the constitutionality of a statute and the onus lies on the person assailing the Act to prove that it is unconstitutional. Prima facie, there does not appear to us to be any inconsistency between the State Act and the Central Acts. Before any repugnancy can arise, the following conditions must be satisfied:

1. *That there is a clear and direct inconsistency between the Central Act and the State Act.*
2. *That such an inconsistency is absolutely irreconcilable.*
3. *That the inconsistency between the provisions of the two Acts is of such a nature as to bring the two Acts into direct collision with each other and a situation is reached where it is impossible to obey the one without disobeying the other.*

35. *On a careful consideration, therefore, of the authorities referred to above, the following propositions emerge:*

1. *That in order to decide the question of repugnancy it must be shown that the two enactments contain inconsistent and irreconcilable provisions, so that they cannot stand together or operate in the same field.*
2. *That there can be no repeal by implication unless the inconsistency appears on the face of the two statutes.*
3. *That where the two statutes occupy a particular field, but there is room or possibility of both the statutes operating in the same field without coming into collision with each other, no repugnancy results.*
4. *That where there is no inconsistency but a statute occupying the same field seeks to create distinct and separate offences, no question of repugnancy arises and both the statutes continue to operate in the same field.”*

21. In ***Deep Chand v. State of U.P.***, 1959 SCR 8, the Hon’ble Supreme Court has held as under:

“28.

Article 254 (1)

Article 254 (1) lays down a general rule. Clause (2) is an exception to that Article and the proviso qualifies the exception. If there is repugnancy between the law made by the State and that made by Parliament with respect to one of the matters enumerated in the concurrent List, the law made by Parliament shall prevail to the extent of the repugnancy and the law made by the State shall, to the extent of the such repugnancy, be void. Under clause (2), if the Legislature of a State makes a provision repugnant to the provisions of the law made by Parliament, it would prevail if the the legislation of the State received the assent of the President. Even in such a case, Parliament may subsequently either amend, vary or repeal the law made by the Legislature of a State. In the present case, the Uttar Pradesh Legislative Assembly, after obtaining the assent of the President on April 23, 1955, passed the U.P. Act. Parliament subsequently passed the Motor Vehicles (Amendment) Act (100 of 1956). Therefore, both the clauses of Article 254 would apply to the situation. The first question whether the provisions of the Union law i.e., the Motor Vehicles (Amendment) Act (100 of 1956), are repugnant to the provisions of the U.P. Act and if so to what extent. Before we proceed to examine the provisions of the two Acts, it may be convenient to notice the law pertaining to the rule of repugnancy.”

22. In the present case, the petitioner has not shown the existence of any Parliamentary enactment occupying the field of NRI eligibility for State quota postgraduate medical admissions in Maharashtra, nor any statutory regulation having the force of law that mandates recognition of an expansive “nearest relative” sponsorship route for eligibility under the State quota.

23. It is well settled that executive or administrative instructions cannot override statutory provisions. In ***Sant Ram Sharma v. State of Rajasthan***, AIR 1967 SC 1910, the Hon'ble Supreme Court held as under:

“7. We proceed to consider the next contention of Mr. N. C. Chatterjee that in the absence of any statutory rules governing promotions to selection grade posts the Government cannot issue administrative instructions and such administrative instructions cannot impose any restrictions not found in the Rules already framed. We are unable to accept this argument as correct. It is true that there is no specific provision in the Rules laying down the principle of promotion of junior or senior grade officers to selection grade posts. But that does not mean that till statutory rules are framed in this behalf the Government cannot issue administrative instructions regarding the principle to be followed in promotions of the officers concerned to selection grade or posts. It is true that Government cannot amend or supersede statutory Rules by administrative instructions, but if the rules are silent on any particular point Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed.”

The above principle applies with even greater force where administrative instructions are sought to be used to negate or dilute a State statute.

24. The documents issued by the Ministry of External Affairs and the Directorate General of Health Services, on which the petitioner relies, can operate harmoniously with the State statute. The State law requires an NRI certificate issued by an Indian Mission or Post abroad, and the MEA guidelines regulate the standards and process for issuance of such certificates. Similarly, the DGHS/MCC notice primarily prescribes the nature of documents to be submitted for processing an NRI claim during counselling.

25. None of these executive instruments, however, mandate that the State must treat sponsorship by an aunt as sufficient to confer eligibility under the NRI quota for State quota admissions, particularly when such a claim runs contrary to the express provisions of the State statute.

26. The petitioner's reliance on the order of the Hon'ble Supreme Court dated 22.08.2017 in *Consortium of Deemed Universities in Karnataka* (supra) must be examined with due caution. On its plain terms, the order records an interim arrangement made "for that year"

and expressly limits its application to deemed universities alone, to the exclusion of all other categories of institutions. Although the order refers to certain committee parameters, earlier decisions such as *Anshul Tomar v. State of M.P. and others*, 2008 SCC OnLine MP 139 and mentions nearest relatives including real uncles and aunts, it does so in the limited context of resolving a counselling anomaly for that particular academic year and for that specific class of institutions, while the matter was pending final adjudication. Such a temporary and context-specific arrangement cannot be treated as a general or continuing mandate binding on States to adopt a broad, non-statutory definition of “ward” for all admissions and for all years, nor can it be relied upon to invalidate a subsequent legislative amendment.

27. In *Anshul Tomar* (supra), the Hon’ble Supreme Court has held as under:

“10. At this juncture, it is worth noting that Pravesh Niyamtran Samiti (Medical Education). Mumbai while dealing with the issue relating to admissions to be granted admissions in NRI seats. dealt with the eligibility facets. After reproducing the paragraph from Ruchin Bharat Patel (supra) the Committee opined thus:-

"Based upon the decision of Hon'ble- Supreme Court

referred herein above dated 13th November 2006 has laid down a criteria for admission in NRI quota, the Samiti decides and resolves the criteria for granting the admissions in NRI quota, as under:

- 1) If the mother or father of student is NRI and residing abroad ordinarily, then, either of the situations so held will be considered to be proper.*
- 2) If the first degree relation of the student is NRI and residing abroad ordinarily, then in such circumstances also. qua this year, should be considered eligible. It is natural that such definition would include the real brother and sister over and above the mother-father of the first degree relation.*
- 3) As per the definition revised by the Hon'ble Apex Court, interpretation of clause a thereof as not made limited but if made in a broad prespective, then, it is clear that the person who wanted to consider such student as ward (palya), then, he be considered to be proper subject to compliance of the following conditions:*
 - a) He should be the nearest relation.*
 - b) In the definition of the nearest relation, committee has considered following relative having blood relations.*
 - i) Real brother and sister of father i.e. real uncle and real aunt.*
 - ii) Real brother and sister of mother i.e. real maternal uncle*

and maternal aunt.

iii) Father and mother of, father i.e. grand father and grand mother.

iv) Father and mother of mother i.e. maternal grandfather and maternal grand mother.

v) First degree paternal and maternal cousins.

vi) Such person should be NRI.

c) Such person should ordinarily be residing abroad.

d) Such person should have looked after such student as the guardian of the student and evidence to that effect must have been produced before the committee by such person.

e) There should be affidavit with aforesaid, fact. The Samiti directs the AMUPMDC and the Institutes/Colleges to follow the above guidelines strictly while granting the admissions in NRI quota in respect of the First Year Health Science course for the academic year 2007-08 and onwards.

11. In view of the aforesaid, we are inclined to think that the term 'ward' has been given a broader meaning in Rue hi n Bharat Patel (supra). We have reproduced the guidelines of Mumbai Committee to show that they are in consonance with the guidelines set forth by Ruchin Bharat Patel (supra). Nothing has been placed on record to show that NRIs have acted in a malafide manner.

12. Regard being had to the amplified meaning of the term 'ward' and in the absence of any malafide and further on the foundation that the merit has not been completely given a go-by, we are inclined to quash the decision of the Committee and hold that the admission of the petitioners under the NRI quota are valid and the petitioners are entitled to prosecute their studies under the said College. If any examination has been held in the meantime wherein the petitioners could not appear”

28. On the contrary, both the 2017 interim and the impugned amendment draw guidance from the Constitution Bench decision in ***P.A. Inamdar*** (supra). In ***P.A. Inamdar*** (supra), the Hon’ble Supreme Court has held as under:

“131. Here itself we are inclined to deal with the question as to seats allocated for Non-Resident Indians ("NRI" for short) or NRI seats. It is common knowledge that some of the institutions grant admissions to a certain number of students under such quota by charging a higher amount of fee. In fact, the term "NRI" in relation to admissions is a misnomer. By and large, we have noticed in cases after cases coming to this Court, neither the students who get admissions under this category nor their parents are NRIs. In effect and reality, under this category, less meritorious students, but who can afford to

bring more money, get admission. During the course of hearing, it was pointed out that a limited number of such seats should be made available as the money brought by such students admitted against NRI quota enables the educational institutions to strengthen their level of education and also to enlarge their educational activities. It was also pointed out that people of Indian origin, who have migrated to other countries, have a desire to bring back their children to their own country as they not only get education but also get reunited with the Indian cultural ethos by virtue of being here. They also wish the money which they would be spending elsewhere on education of their children should rather reach their own motherland. A limited reservation of such seats, not exceeding 15%, in our opinion, may be made available to NRIs depending on the discretion of the management subject to two conditions. First, such seats should be utilised bona fide by NRIs only and for their children or wards. Secondly, within this quota, merit should not be given a complete go-by. The amount of money, in whatever form collected from such NRIs, should be utilized for benefiting students such as from economically weaker sections of the society, whom, on well-defined criteria, the educational institution may admit on subsidised payment of their fee. To prevent misutilisation of such quota or any malpractice referable to NRI quota seats, suitable legislation or regulation needs to be framed. So long as the State does not do it, it

will be for the Committees constituted pursuant to the direction in Islamic Academy to regulate.”

29. The Maharashtra ordinance amending the definition of “NRI” expressly records that it is enacted to bring the statutory framework in line with the law laid down by the Supreme Court and reproduces the relevant extract from *P.A. Inamdar* (supra). Viewed in this light, the State’s decision to require an NRI certificate issued by an Indian Mission or Post abroad and to confine the expression “ward” to a legally recognized ward relationship constitutes a regulatory measure aimed at addressing the very mischief identified by the Constitution Bench.

30. The role of this Court is not to sit in appeal over legislative policy but to examine its constitutional validity. The petitioner has failed to demonstrate that the classification introduced by the amendment is manifestly arbitrary or violative of any fundamental right. The mere fact that the amendment excludes sponsorship by extended relatives does not render the statute unconstitutional, where such exclusion bears a rational nexus to the legitimate objective of preventing misuse of the NRI quota and ensuring that NRI seats are reserved for *bona fide* NRIs and their children or wards.

31. The State's reliance on the decisions of the Punjab and Haryana High Court in *Devbir Singh* (supra) and *Prithvansh Malhotra* (supra) is not binding on this Court. However, the reasoning adopted in those decisions is relevant as persuasive authority, as it reflects judicial concern regarding the expansion of NRI quota eligibility through extended relatives and guardianship arrangements created solely for the purpose of securing admission. The State's submission that the Special Leave Petition challenging *Devbir Singh* (supra) was dismissed in *limine* by the Hon'ble Supreme Court on 24.09.2024 is supported by publicly available material. While such a dismissal does not constitute a declaration of law under Article 141 of the Constitution, it nevertheless indicates that the Hon'ble Supreme Court was not inclined to interfere at that stage.

32. The petitioner has also questioned the State's power to amend the 2015 Act by way of an ordinance. The ordinance expressly records that both Houses of the Legislature were not in session and that immediate action was necessary, particularly as the admission process for the academic year 2025–2026 was expected to commence shortly. Ordinances are promulgated under Article 213 of the Constitution when the Legislature is not in session and the Governor

is satisfied that circumstances exist requiring immediate action. While the ordinance-making power is subject to judicial review, as held in *A.K. Roy v. Union of India*, (1982) 1 SCC 271, the principal constitutional infirmity identified by the Hon'ble Supreme Court relates to repeated re-promulgation of ordinances so as to bypass legislative scrutiny, as held in *D.C. Wadhwa v. State of Bihar*, (1987) 1 SCC 378, and *Krishna Kumar Singh v. State of Bihar*, (2017) 3 SCC 1.

33. In the present case, it is not in dispute that the ordinance has been replaced by an Act. There is no pleading or material to suggest repeated re-promulgation or any abuse of the ordinance-making power amounting to a fraud on the Constitution. Nor is there any serious challenge to the State's legislative competence to regulate admissions to unaided private professional educational institutions in Maharashtra or to prescribe eligibility criteria by statute. The challenge to the amendment on the ground of lack of power is therefore without merit.

34. For these reasons, we hold that the amended definition of "Non-Resident Indian" under the 2015 Act, as substituted by Maharashtra Ordinance No. VI of 2025 dated 25 June 2025 and

subsequently enacted into law, does not suffer from the legal infirmities alleged by the petitioner. The Union-level guidelines and notices relied upon by the petitioner are executive or administrative in nature and relate to certification and documentation; they do not override a State statute, nor has any Parliamentary enactment been shown to create repugnancy under Article 254 of the Constitution. The interim arrangement of the Hon'ble Supreme Court dated 22.08.2017 in the *Consortium of Deemed Universities* (supra) was expressly confined to deemed universities and to that particular academic year, and cannot be invoked to invalidate a later legislative policy decision of the State. The decision of the Constitution Bench in *P.A. Inamdar* (supra) in fact supports the State's authority to adopt regulatory measures to prevent misuse of the NRI quota.

35. The challenge to the notice dated 30.10.2025 issued by the State Common Entrance Test Cell also fails, insofar as the notice merely gives effect to the amended statutory definition. A statutory eligibility condition cannot be set aside by a writ of this Court merely because it causes hardship to a candidate who might have been eligible under a broader, non-statutory framework. No writ of mandamus can be issued to compel the authorities to treat the petitioner as eligible in contravention of the governing statute.

36. The writ petition is accordingly dismissed. Rule is discharged.

There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane