

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.13678 OF 2025

- | | | | |
|----|---------------------------------------|---|-----------------|
| 1. | Onkar Mahadev Lamture |) | |
| | Age : 27 Years, presently residing at |) | |
| | Puneville Society, Phase 1, |) | |
| | C Wing, Flat No.1504, Kate Wasti, |) | |
| | Punewale, Pune-411 033 |) | |
| 2. | Kirti Sanjay Mahajan |) | |
| | Age : 24 Years, presently residing at |) | |
| | 26, Ring Road, Pratap Nagar, |) | |
| | Near Lalavati Complex, Jalgaon, |) | |
| | Maharashtra, 425 001 |) | |
| 3. | Rohit Kamalesh Vaswani |) | |
| | Age : 24, presently residing at |) | |
| | 1004, Glen Heights Cliff, |) | |
| | Avenue Road, Hiranandani Powai, |) | |
| | Mumbai, Maharashtra-400 076 |) | |
| 4. | Tanvi Vijay Badera |) | |
| | Age : 24 Years, presently residing at |) | |
| | B 303, Rohan Tapovan, Gokhale Nagar, |) | |
| | S.B. Road, Pune, |) | |
| | Maharashtra-411 016. |) | |
| 5. | Prathamesh Prafulla Gattani |) | |
| | Age 26 Years, presently, residing at |) | |
| | Nava Mondha, Partur Jalna, |) | |
| | Maharashtra-431 501 |) | |
| 6. | Shweta Prashant Kharat |) | |
| | Age : 26 years, presently residing |) | |
| | at Near Nageshwar Temple, Patas, |) | |
| | Pune-412 219. |) | ... Petitioners |

VERSUS

1. State of Maharashtra)
Through its Department of Medical)
Education & Drugs,)
Mantralaya, Mumbai)
 2. Director of Medical Education)
& Research, St. Georges' Hospital)
Compound, Mumbai)
 3. State CEL Cell)
Through its Commissioner)
8th Floor, New New Excelsior Cinema)
Building, A.K. Nayak Marg, Fort,)
Mumbai-400 001)
 4. Union of India)
Ministry of Health & Family Welfare)
Room No.348, 'A' Wing, Nirman Bhavan,))
New Delhi-110 011)
 5. Medical Counselling Committee)
Ministry of Health & Family Welfare)
Room No.348, 'A' Wing,)
Nirman Bhavan, New Delhi-110 011)
 6. State of Maharashtra)
Through its Department of Higher)
And Technical Education)
Mantralaya, Mumbai)
- ..Respondents

Ms. Pooja Thorat i/b Mr. M.V. Thorat for the Petitioners.

Mr. Pralhad Paranjape, Special Counsel a/w Mr. Rahul Punjabi and Mr. Aditya R. Deolekar, A.G.P. for State Nos.1, 2 and 6.

Mr. Sameer Khedekar a/w Ms. Mayuri Andhale for Respondent No.3.

Mrs. Savita Ganoo a/w Mr. D.P. Singh and Ms. Gargi Warunjikar for Respondent No.5.

CORAM : REVATI MOHITE DERE &
SANDESH D. PATIL, JJ.

DATE : 22nd DECEMBER 2025

Judgment (Per Sandesh D. Patil, J)

1) By the present Petition, the Petitioners are seeking a declaration that the amendment of Section 2(n) of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 (hereinafter referred to as “**2015 Act**”), to the extent that it excludes NRI sponsored candidates from the definition of NRI is unconstitutional, *ultra vires* and violative of Articles 14 and 21 of the Constitution of India. Further declaration is sought that the amendment to Section 2(n) of Act, 2015 to the extent it excludes NIR Sponsored candidates from the definition of NRI is contrary to the law laid down by the Supreme Court in the case of *P.A. Inamdar Vs. State of Maharashtra, reported in 2005(6) SC 537*.

2) A prayer is also sought for quashing and setting aside the Maharashtra Ordinance No.VI of 2025 dated 25th September 2025, unconstitutional and declaration that the definition of NRI under

Section 2(n) of Maharashtra Unaided Private Professional Educational Institution (Regulation of Admission And Fees) Act, 2015, should be read down to mean & include NRI & NRI sponsored candidate.

3) During the pendency of the Writ Petitioner, the Petitioners sought an amendment to direct the Respondent Authorities to consider the Petitioners' claim as NRI sponsored candidates for PG course under the NRI quota after exhausting the list of pure NRI candidates.

4) This Court had heard the Petition from time to time. On 14th November 2025, Mr. Pralhad Pranajape, learned Counsel appearing for Respondent Nos.1, 2 and 6, had made a statement that the Aurangabad Bench of this Court, which was seized with Writ Petition No.10464 of 2025 and other connected, has declined to grant ad-interim relief. We had after perusing Order in the aforesaid Writ Petition, declined to grant ad-interim relief to the Respondents. When, this matter appeared again on 10th December 2025, the parties informed us that the matter before the Aurangabad Bench was heard and was closed for Orders, we therefore, kept the matter today.

5) Today, when this matter was called out, Mr. Pralhad Paranjape, learned Counsel for the Petitioner Nos.1, 2 and 6, has tendered before us the copy of the Judgment in *Padmaja d/o. Sanjay Ladda Vs. The Union of India & Ors, Writ Petition No.13188 of 2025, dated 01st December 2025*, passed by the Aurangabad Bench.

6) We have perused the copy of the Judgment dated 1st December 2025, passed by this Court in Writ Petition No.13188 of 2025 (Coram : Smt. Vibha Kankanwadi And Hiten S. Venegavkar, JJ). Whilst deciding Writ Petition No.13188 of 2025, this Court has upheld the Ordinance. This Court upheld amended definition under 2015 Act. Paragraph-34 of the judgment is germane for our consideration. The said paragraph is quoted as under :-

“34. For these reasons, we hold that the amended definition of “No-Resident Indian” under the 2015 Act, as substituted by Maharashtra Ordinance No.VI of 2025 dated 25th June 2025 and subsequent 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 stature, 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 is **P.A. Inamdar** (supra) in fact supports the State's authority to adopt regulatory measures to prevent misuse of the NRI quota.*

7) Since, this Court has expressly rejected the challenge to the amendment to the definition of "Non-Resident India" under the 2015 Act, and subsequent enacted law by a well reasoned Judgment and Order, we do not intend to take a different view. We are in agreement with the Judgment and Order passed by this Court (Coram : Smt. Vibha Kankanwadi And Hiten S. Venegavkar, JJ). We do not wish to take a contrary view.

8) Resultantly, the Petition fails and is, accordingly, dismissed.

(SANDESH D. PATIL, J.)

(REVATI MOHITE DERE, J.)