



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-12-2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.46027 of 2025

and

W.M.P.Nos.51341 and 51342 of 2025

Gowrav Rao, S.
S/o Shrinivasan
3, 1st Floor, 2nd Street,
Gill Nagar, Choolaimedu,
Chennai 600 094.

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Health & Family Welfare Department,
Secretariat, Chennai 600 009.

2. The Directorate General of Health Services,
Rep.by the Director General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi 110 011.

3.The Selection Committee,
Represented by its Secretary,
Directorate of Medical Education,
Government of Tamil Nadu,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.

.. Respondents



Writ Petition has been filed under Section 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to include the name of the petitioner in the list of candidates eligible for admission to the NRI Quota in Post Graduate Degree/Diploma Course in self-financing medical colleges in Tamil Nadu for the 2025-2026 session pursuant to the prospectus dated 08.09.2025 within a time frame to be fixed by this Hon'ble Court and consequently permit the petitioner to participate in all the rounds of counselling to be held under the said prospectus in accordance with law.

For Petitioner :Mr.W.Richardson Wilson

For Respondents :Mrs.M.Sneha, Special Counsel for
Medical Education for R1 and R3

Mrs.V.Sudha, SGC UGC for R2

ORDER

A. The Writ Petition:

This writ petition is filed for a Mandamus directing the third respondent to include the name of the petitioner in the list of candidates eligible for admission to the Non-Resident Indian (in short “NRI”) quota in postgraduate degree/diploma courses in Self-Financing Medical Colleges in Tamil Nadu for the 2025-2026 session, pursuant to the prospectus dated 08.09.2025, within a time frame to be fixed by this Court, and consequently, to permit the petitioner to participate in all the rounds of counselling to be held under the said prospectus, in accordance with law.



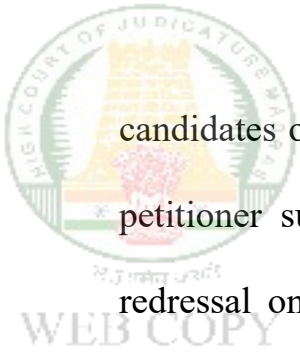
B. The Petitioner's Case:

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2. The petitioner's case is that, after completing his M.B.B.S. degree examinations, he applied for the National Eligibility cum Entrance Test-NEET PG-2025 for the academic year 2025-2026 and scored 291 out of 800 marks. Admission to PG courses is governed by the prospectus issued by the Selection Committee under the Directorate of Medical Education and Research, vide G.O.(D) No.1007, Health and Family Welfare (MCA1) Department, dated 08.09.2025, as amended from time to time.

2.1 The petitioner's maternal uncle, Mr. Rakesh Ram, S/o Krishnamoorthy, who is now a citizen of the United States of America and an Overseas Citizen of India cardholder, offered to sponsor the petitioner's higher education under the NRI quota. The Tahsildar, Egmore Taluk, also issued a relationship certificate dated 15.09.2025, confirming that the person is the petitioner's maternal uncle. Accordingly, the petitioner duly applied for the postgraduate courses under the NRI quota, vide Application No. 25PG201227. The petitioner also duly uploaded the Overseas Citizen of India card, the NRI/OCI sponsorship certificate, the relationship certificate, a copy of the sponsor's passport, and a copy of the bank statement of the maternal uncle, Mr Rakesh Ram, held at Huntington National Bank, Columbus.

2.2 However, upon scrutiny, when the respondent published the list of ineligible



candidates on 23/10/2025, the petitioner's name was also mentioned in Sl. No. 57. The petitioner submitted an email representation to the respondents regarding grievance redressal on 23.10.2025. However, the Addendum to the provisional list released on 18.11.2025 again reflected the petitioner's candidature in the rejected list and did not contain any reason whatsoever. Upon perusal of the select list, even candidates with lower marks have been allotted PG seats under the NRI quota; therefore, the petitioner has filed the present writ petition.

C. The Respondent's Case :

3. The writ petition is resisted by the respondents by filing a counter affidavit. In the counter affidavit, it is stated that under the NRI quota, as per the prospectus, Indian citizens must be sponsored by a Non-Resident Indian or by a sponsor holding an OCI card that was issued before the Notification of the Government of India on 04.03.2021. Since the sponsor of the petitioner was issued the OCI card only on 22.03.2021, after the Notification, the sponsor's rights are governed by the Gazette Notification dated 04.03.2021. As per the same, an OCI cardholder has no right to sponsor a relative/ward on par with the NRI. Therefore, in the absence of the right, as per the relevant statute/rules read with the judgment of the Hon'ble Supreme Court of India in *Anushka Rengunthawar and others v. Union of India and others (W.P.(C)No.891 of 2021 dated 03.02.2023)*, the petitioner's candidature could not be considered under the NRI quota and, as such was rejected.



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4. Mr. Richardson Wilson, learned counsel for the petitioner, would submit that, first, the very genesis of the NRI quota was the judgment of *P.A. Inamdar v. State of Maharashtra*, reported in [(2005) 6 SCC 537], wherein, while considering the right of the private institution to thrive, the Hon'ble Supreme Court of India made an exception to merit, thereby allowing the institution to charge higher fees from these rich persons sponsored by Non-Resident Indians, and with that money, the institution can also make up for the loss of the fees as demanded by them. The said judgment was considered in detail by the later judgment of the Hon'ble Supreme Court of India in *Consortium of Deemed Universities in Karnataka (Codeunik) and another v. Union of India and others in W.P.(Civil) No. 689 of 2017 dated 22.08.2017*, and the following passages are to be noted:

“The matter was listed today for consideration of the filling up of NRI quota seats. Dr. Rajeev Dhawan, learned senior counsel appearing for the petitioners has drawn our attention to the letter circulars dated 13th July, 2017 and 28th July, 2017, issued by the Directorate General of Health Services. According to him, the said communications create an anomalous situation as a consequence of which the description of NRI has become extremely difficult. He has drawn our attention to a passage from *P.A. Inamdar vs. State of Maharashtra* [(2005) 6 SCC 537], wherein the Constitution Bench has held thus:-

“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



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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 education 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 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 utilized bona fide by the NRIs only and for their children or wards. Secondly, within this quota, the merit should not be given a complete go-by. The amount of money, in whatever form collected from such NRIs, should be utilised 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.”

“As presently advised, the principles set out in Anshul Tomar (supra), shall be followed this year for the purpose of filling up of 15% NRI quota. Be it clarified, the NRI quota shall include overseas Citizens of India (OCI) and Persons of Indian Origin (PIO). The counselling shall be held and finalised by 31st August, 2017, the counselling is not concluded by that date, the same shall be completed by 4th September 2017. It needs no special emphasis to state that the present order is only applicable to the deemed universities and no other category of institution.”

(emphasis supplied)

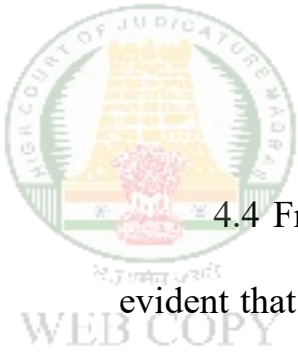
4.1 *Mr. Richardson Wilson* would further submit that it is clear that the entire eligibility in relation to the application of the NRI quota developed from the judgment of *P.A. Inamdar vs. State of Maharashtra* and the later judgment of the Supreme Court of India in *Ruchin Bharat Patel v. Parents Association for the M/D Students and others in [I.A.Nos.9-10 & 11-12 in Civil Appeal No.4480 of 2006]*, etc., and that it was clarified by the Hon’ble Supreme Court of India that the NRI quota shall include Overseas Citizens of India and Persons of Indian Origin. The counter of the respondents,



placing reliance on the judgment in *Anushka Rengunthawar and others* (cited *supra*), was certainly misplaced. The judgment in *Anushka Rengunthawar and others* (cited *supra*) considered only the rights of the respective candidates, and the question of sponsorship was never considered in the said judgment.

4.2 Therefore, when the petitioner has been overlooked in the merit list, this Court should interfere and direct the respondents to grant admission in this exceptional case. Even if the counselling for the present round is over, the second round is yet to be conducted, and the petitioner is willing to participate in the second round and take whatever course is available and allotted to him.

4.3 Alternatively, the second contention of the learned counsel for the petitioner is that, on reading the prospectus, it is clear that, while dealing with the eligibility criteria in clause 5 of the prospectus, candidates should be either citizens of India or Overseas Citizens of India cardholders. There is no issue regarding eligibility, as the petitioner is a citizen of India. Clause 6 of the prospectus sets out the guidelines regarding the NRI quota. The NRI quota merely requires a sponsorship certificate from among the relations mentioned in sub-clause (f) of Section 6, from which it can be seen that the maternal uncle is also considered a blood relative and, being the ward, the petitioner is entitled to be sponsored by the maternal uncle.



4.4 From the list of documents prescribed for NRI candidates in clause (h), it is evident that the sponsor's/candidate's OCI card is also included. A combined reading of the provisions of the prospectus makes it clear that OCI cardholders are treated on par with Non-Resident Indians in matters relating to the sponsorship of their children/wards. Therefore, when the petitioner has been duly sponsored, the respondents erred in rejecting the petitioner's candidature.

4.5 Per contra, *Mrs M. M. Sneha*, the learned counsel appearing on behalf of the Selection Committee, would submit that the rights of OCI card holders to sponsor candidates are also determined by the judgment of the Hon' ble Supreme Court of India in *Anushka Rengunthwar and others (cited supra)*, which decided the rights of OCI cardholders. By amending the Citizenship Act, 1995, OCI cardholders were granted rights. In 2005, the Notification placed OCI cardholders on par with NRI candidates, and the 2009 Notification, in addition to granting rights on par with NRIs in the education field, included a specific clause permitting them to appear for the All India competitive examination, among other provisions. However, the later Notification issued in 2021 by the Government of India superseded all earlier Notifications. Now, what is granted by the 2021 Notification alone remains in force. In the 2021 Notification, although OCI cardholder candidates were permitted to take the examination, the right to sponsor was not included; therefore, under the said Notification, OCI cardholders can no longer

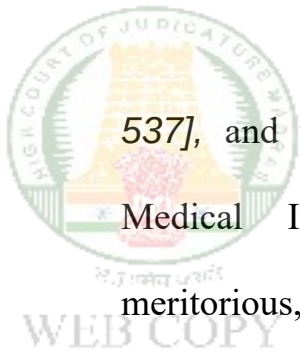


sponsor candidates. However, when the Notification was challenged before the Hon'ble Supreme Court of India, the Hon'ble Supreme Court of India held that the Notification of the year 2021 shall operate only prospectively, that is, with reference to the OCI card holders who get their card after the date of issue of the Notification. With respect to OCI cardholders who obtained their cards under the earlier Notification, their rights were preserved. Accordingly, the Selection Committee considered the issue. The OCI cardholders who got their rights under the 2005 Notification, whereby the rights were on par with the NRI in the education field, can sponsor the candidates as if they were NRI, and accordingly, those OCI cardholders who got their card prior to the date of the Notification, that is, prior to 04.03.2021, were considered. Whereas, in the case of the petitioner, the petitioner's maternal uncle obtained the OCI card only in April 2021; accordingly, the petitioner's candidature could not be considered under the NRI quota.

E. Discussion & Findings:

5. I have considered the rival submissions made on either side and perused the material records of the case.

5.1 It is true that the NRI quota was considered in the judgment of the Hon'ble Supreme Court of India in *P.A.Inamdar v. State of Maharashtra* [(2005) 6 SCC



537], and the relevant passages were excerpted supra, which enabled the Medical Institutions to admit students under the NRI Quota, who may be less meritorious, by charging higher fees. Accordingly, a specified percentage of students are admitted under the NRI quota, subject to minimum eligibility requirements and inter se merit among NRI quota applicants.

5.2 It is also true that the subsequent judgments have observed that, for the purpose, OCI cardholders and PIO cardholders are on par with NRIs. However, those judgments were rendered in light of the Citizenship Act, 1955, and the Notification issued thereunder, and not otherwise. The observations of the Hon'ble Supreme Court of India that OCI cardholders/PIO cardholders would be on par with the NRI quota were made prior to the 2021 notification and should be read in conjunction with that notification. As on the date of the judgment of the Hon'ble Supreme Court of India, they were on par with NRIs, and therefore, the said observations. However, the position as of the date of issuance of the prospectus for the year 2025-2026 has to be taken into account.

5.3 Firstly, by an amendment to the Citizenship Act, 1955, Section 7(A) and Section 7(B) were introduced, under which the OCI card is issued. It is essential to extract Section 7(A) and Section 7(B), which read as under:

“7A. Registration of Overseas Citizen of India Cardholder.—

(1)The Central Government may, subject to such conditions, restrictions and manner as



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may be prescribed, on an application made in this behalf, register as an Overseas Citizen of India Cardholder—

- (a) any person of full age and capacity,—
 - (i) who is a citizen of another country, but was a citizen of India at the time of, or at any time after the commencement of the Constitution; or (ii) who is a citizen of another country, but was eligible to become a citizen of India at the time of the commencement of the Constitution; or (iii) who is a citizen of another country, but belonged to a territory that became part of India after the 15th day of August, 1947; or
 - (iv) who is a child or a grandchild or a great grandchild of such a citizen; or
- (b) a person, who is a minor child of a person mentioned in clause (a); or
- (c) a person, who is a minor child, and whose both parents are citizens of India or one of the parents is a citizen of India; or
- (d) spouse of foreign origin of a citizen of India or spouse of foreign origin of an Overseas Citizen of India Cardholder registered under section 7A and whose marriage has been registered and subsisted for a continuous period of not less than two years immediately preceding the presentation of the application under this section:

Provided that for the eligibility for registration as an Overseas Citizen of India Cardholder, such spouse shall be subjected to prior security clearance by a competent authority in India:

Provided further that no person, who or either of whose parents or grandparents or great grandparents is or had been a citizen of Pakistan, Bangladesh or such other country as the Central Government may, by notification in the Official Gazette, specify, shall be eligible for registration as an Overseas Citizen of India Cardholder under this sub-section.

(2) The Central Government may, by notification in the Official Gazette, specify the date from which the existing persons of Indian Origin Cardholders shall be deemed to be Overseas Citizens of India Cardholders.

Explanation.—For the purposes of this sub-section, “Persons of Indian Origin Cardholders” means the persons registered as such under notification number 26011/4/98 F.I., dated the 19th August, 2002, issued by the Central Government in this regard.

(3) Notwithstanding anything contained in sub-section (1), the Central Government may, if it is satisfied that special circumstances exist, after recording the circumstances in writing, register a person as an Overseas Citizen of India Cardholder.

7B. Conferment of rights on Overseas Citizen of India Cardholder.—(1) Notwithstanding anything contained in any other law for the time being in force, an Overseas Citizen of India Cardholder shall be entitled to such rights, other than the rights specified under



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sub-section (2), as the Central Government may, by notification in the Official Gazette, specify, in this behalf.

(2) An Overseas Citizen of India Cardholder shall not be entitled to the rights conferred on a citizen of India—

(a) under article 16 of the Constitution with regard to equality of opportunity in matters of public employment;

(b) under article 58 of the Constitution for election as President;

(c) under article 66 of the Constitution for election as Vice-President;

(d) under article 124 of the Constitution for appointment as a Judge of the Supreme Court;

(e) under article 217 of the Constitution for appointment as a Judge of the High Court;

(f) under section 16 of the Representation of the People Act, 1950 (43 of 1950) in regard to registration as a voter;

(g) under sections 3 and 4 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the House of the People or of the Council of States, as the case may be;

(h) under sections 5, 5A and section 6 of the Representation of the People Act, 1951 (43 of 1951) with regard to the eligibility for being a member of the Legislative Assembly or the Legislative Council, as the case may be, of a State;

(i) for appointment to public services and posts in connection with affairs of the Union or of any State except for appointment in such services and posts as the Central Government may, by special order in that behalf, specify.

(3) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

(Emphasis supplied)

5.4 Thus, Section 7A is the enabling provision under which the Overseas Citizen of India card is being issued. Eligibility for the card is set forth in Section 7A. The rights of those persons are specifically dealt with under Section 7B. It can be seen that they will be entitled to such rights as may be specified by the Notification of the Central Government in the Official Gazette. Therefore, OCI cardholders will be entitled only to



such rights as are specifically granted by the Central Government in the Notifications issued in exercise of its powers under Section 7B. In this regard, the first Notification issued by the Central Government was dated 11.04.2005. The said Notification is extracted hereunder for ready reference:

**MINISTRY OF HOME AFFAIRS
NOTIFICATION**

New Delhi, the 11th April, 2005

S.O.542(E)- In exercise of the powers conferred by Sub-section (1) of Section 7B of the Citizenship Act, 1955 (57 of 1955), the Central Government hereby specifies the following rights to which the persons registered as Overseas Citizens of India under Section 7A of the said Act shall be entitled, namely-

- (a) grant of multiple entry lifelong visa for visiting India for any purpose.
- (b) exemption from registration with Foreign Regional Registration Officer or Foreign Registration Office for any length of stay in India and
- (c) parity with Non-Resident Indians in respect of all facilities available to them in economic, financial and educational fields except in matters relating to the acquisition of agricultural or plantation properties.

(F.No.26011/2/2005-IC I)
DURGA SHANKER MISHRA, Jt.Secy.

(Emphasis supplied)

5.5 Thus, it can be seen that under clause (c), OCI card holders had parity with non-resident Indians in respect of all the facilities available in the educational field as well. Thus, as per the 2005 Notification, OCI card holders can sponsor a candidate on par with an NRI candidate. In the year 2009, yet another Notification was issued, and the same is also extracted hereunder for ready reference:

**MINISTRY OF OVERSEAS INDIAN AFFAIRS
NOTIFICATION**

New Delhi, the 5th January, 2009

S.O.36(E)-In exercise of the powers conferred by sub-section (1) of Section 7B of the Citizenship Act, 1955, (57 of 1955), and in continuation of the notifications of the Government of India in the Ministry of Home Affairs Number S.O.542(E), dated the 11th April, 2005 and in the



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Ministry of Overseas Affairs S.O.12(E), dated the 6th January 2007, the Central Government hereby specifies the following rights to which the persons registered as the overseas citizen of India under Section 7A of the said Act, shall be entitled, namely-

(a) parity with non-resident Indian in respect of -

(i) entry fees to be charged for visiting the national monuments, historical sites and museums in India;

(ii) pursuing the following professions in India, in pursuance of the provisions contained in the relevant Acts, namely-

(i) doctors, dentists, nurses and pharmacists;

(ii) advocates;

(iii) architects;

(iv) chartered accountants;

(b) to appear for the All India Pre-medical Test or such other tests to make them eligible for admission in pursuance of the provisions contained in the relevant Acts.

[F.No.OI-15013/13/2008-DS]

D.N.SRIVASTAVA, Jt.Secy.

(emphasis supplied)

5.6 The above 2009-Notification is issued in continuation of the earlier 2005-Notification. That is, apart from the rights already granted in the said 2005 Notification, additional rights were also granted. Under the above Notification, OCI cardholders may also appear for the All India Pre-Medical Test or any other test to be eligible for admission, in accordance with the provisions of the relevant Act. Therefore, if a candidate himself holds an OCI card, he can appear for the pre-medical entrance test or such other entrance test and become eligible for admission.

5.7 While that was the position, in the year 2021, by S.O.1050(E), dated 04.03.2021, a new notification was issued, superseding the earlier notifications. The same reads as under:

MINISTRY OF HOME AFFAIRS



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NOTIFICATION
New Delhi, the 4th March, 2021

S.O. 1050(E)- In exercise of the powers conferred by sub-section (1) of section 7B of the Citizenship Act, 1955 (57 of 1955) and in supersession of the notification of the Government of India in the Ministry of Home Affairs published in the Official Gazette vide number S.O.542(E), dated the 11 April, 2005 and the notifications of the Government of India in the erstwhile Ministry of Overseas Indian Affairs published in the Official Gazette vide numbers S.O. 12(E), dated the 5th January, 2007 and S.O. 36(E), dated the 5th January, 2009, except as respect things done or omitted to be done before such supersession, the Central Government hereby specifies the following rights to which an Overseas Citizen of India Cardholder (hereinafter referred to as the OCI cardholder) shall be entitled, with effect from the date of publication of this notification in the Official Gazette, namely:-

(1) grant of multiple entry lifelong visa for visiting India for any purpose:

Provided that for undertaking the following activities, the OCI cardholder shall be required to obtain a special permission or a Special Permit, as the case may be, from the competent authority or the Foreigners Regional Registration Officer or the Indian Mission concerned, namely:-

- (i) to undertake research;
- (ii) to undertake any Missionary or Tabligh or Mountaineering or Journalistic activities;
- (iii) to undertake internship in any foreign Diplomatic Missions or foreign Government organisations in India or to take up employment in any foreign Diplomatic Missions in India;
- (iv) to visit any place which falls within the Protected or Restricted or prohibited areas as notified by the Central Government or competent authority;

(2) exemption from registration with the Foreigners Regional Registration Officer or Foreigners Registration Officer for any length of stay in India:

Provided that the OCI cardholders who are normally resident in India shall intimate the jurisdictional Foreigners Regional Registration Officer or the Foreigners Registration Officer by email whenever there is a change in permanent residential address and in their occupation;

(3) parity with Indian nationals in the matter of,-

- (i) tariffs in air fares in domestic sectors in India; and
- (ii) entry fees to be charged for visiting national parks, wildlife sanctuaries, the national monuments, historical sites and museums in India;

(4) parity with Non-Resident Indians in the matter of,-



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(i) inter-country adoption of Indian children subject to the compliance of the procedure as laid down by the competent authority for such adoption; Provided that the OCI cardholder shall not be eligible for admission against any seat reserved exclusively for Indian citizens;

(ii) appearing for the all India entrances tests such as National Eligibility cum Entrance Test, Joint Entrance Examination (Mains), Joint Entrance Examination (Advanced) or such other tests to make them eligible for admission only against any Non-Resident Indian seat or any supernumerary seat;

Provided that the OCI cardholder shall not be eligible for admission against any seat reserved exclusively for Indian citizens;

(iii) purchase or sale of immovable properties other than agricultural land or farm house or plantation property; and

(iv) pursuing the following professions in India as per the provisions contained in the applicable relevant statutes or Acts as the case may be, namely:-

- (a) doctors, dentists, nurses and pharmacists;
- (b) advocates;
- (c) architects;
- (d) chartered accountants;

(5) in respect of all other economic, financial and educational fields not specified in this notification or the rights and privileges not covered by the notifications made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999), the OCI cardholder shall have the same rights and privileges as a foreigner.

Explanation. For the purposes of this notification,-

(1) The OCI Cardholder (including a PIO cardholder) is a foreign national holding passport of a foreign country and is not a citizen of India.

(2) "Non-Resident Indian" shall have the same meaning as assigned to it in the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018 made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999) and who fulfils the "Non-Resident Indian" status as per the Income Tax Act, 1961 (43 of 1961).

[F. No. 26011/CC/05/2018-OCIJ
PRAMOD KUMAR, Director

(emphasis supplied)

5.8 Thus, it is clear that the Notification leaves no doubt that the earlier Notifications of the years 2005 and 2009 are superseded and are no longer in force. The present Notification grants parity with a Non-Resident Indian only in the matters



mentioned in clause (4), under which an OCI card holder can make an inter-country adoption as if he is a Non-Resident Indian and appear for the All India entrance test, if the OCI card holder himself is the candidate. No right is expressly granted to sponsor any candidate. In fact, the explanation categorically describes the OCI card holder as a foreign national and not as an NRI, and the definition of Non-Resident Indian is also categorically mentioned, as if it would mean the definition under the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018, or under the other provisions mentioned therein. By any such definition, the sponsor of the petitioner, namely, Mr. Rakesh Ram, cannot be treated as an NRI but remains only an OCI card holder/foreign national.

5.9 In this context, the judgment of the Hon'ble Supreme Court of India in *Anushka Rengunthawar and others* (cited supra) becomes relevant. In paragraph No. 1, the Hon'ble Supreme Court of India extracted the context in which the case arose. Although the litigation arose out of the candidate's right and the sponsorship was not directly in issue in the said batch of cases, on reading the entire judgment, the Hon'ble Supreme Court of India dealt with the rights of the OCI cardholders with reference to the Citizenship Act and the Notifications issued thereunder. It read down the Notification of the year 2021 by making it prospective and applicable with effect from 04.03.2021, and it preserved the rights of OCI cardholders who obtained their cards under the earlier 2005-2009 Notifications.



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5.10 The judgment of the Hon'ble Supreme Court of India cannot be read like a statute to vibratim apply only to the candidates. It is the ratio of the judgment that has to be understood and applied. The ratio is that OCI cardholders who obtained their cards prior to 04.03.2021 will be treated in accordance with the earlier Notifications, that is, they will be on par with NRIs in all the facilities available in the field of education. Whereas, the OCI cardholders who obtained their cards under the latest Notification, that is, after 04.03.2021, will not be on par with NRIs with respect to the sponsorship of the candidate. However, OCI cardholders may themselves be the candidates, pursuant to the 2021 Notification, clause 4. Therefore, I do not see any error in the stand that is adopted by the respondent-Selection Committee in reading the judgment of the Hon'ble Supreme Court of India or the relevant Notification in this regard.

5.11 Further, with reference to the prospectus, the relevant clause No. 6 is extracted hereunder for ready reference:

6.The following guidelines shall be followed regarding admission to Post Graduate Degree/Diploma Courses under NRI quota seats in Self Financing Medical Colleges 2025-2026 session.

(a)Candidates should be of Indian origin settled in foreign countries.

OR

Candidates who were born in foreign countries and whose parents are of Indian Origin.

OR

Children of Indian citizen staying abroad from employment, business

OR

Children of Indian citizens deputed abroad by Public Sector Undertaking.

OR

Children of the Official of the Central/State Government on deputation abroad.



(b) the candidates seeking admission to NRI Quota should have valid passport/OCI Card.

(c) Admission under Non-Resident Indian Scheme may be made on the basis of the marks obtained in the Qualifying Examination as prescribed.

(d) The seats under NRI quota should be utilized by the bonafide NRIs only and for their children or wards. Therefore, the NRI financially supporting the candidate should either be the parent (Father or Mother) of the candidate or the spouse or the blood relative of the candidate or legally declared as guardian of the candidate by the Court as per provisions in "The Guardians and Wards Act, 1890".

(e) candidates admitted under NRI quota should submit the following documents:-

i. NRI status of the financial supporter issued by the Indian Embassy of the respective country with their seal.

ii. Certificate of Relationship between the NRI financial supporter and the candidate, issued by the competent authority from Revenue Department and valid Indian Passport/OCI card of the NRI financial supporter.

iii. NRE(Non-Resident External) Bank Account Pass Book of the financial supporter.

(f) For the purpose of the above clause the term blood relative is defined as follows:-

(i) Real brother and sister of father i.e. real maternal uncle and maternal aunt.

(ii) Real brother and sister of mother i.e. real maternal uncle and maternal aunt.

(iii) Father and mother of father i.e. grandfather and grandmother.

(iv) Father and mother of mother i.e. maternal grandfather and maternal grandmother.

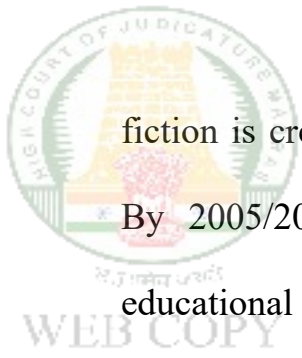
(v) First degree-paternal and maternal cousins

(vi) Such person should be NRI

g) If the documents produced by NRI candidates are found to be false criminal action will be initiated irrespective of whether they have been allotted the seat or not. With respect to candidates who have obtained seat based on the false documents the seat will be cancelled besides criminal action.

The above candidates will not be allotted under any category. They will be debarred for Three Years and No Refund of fees (Security deposit & tuition fee if paid) will be made.

5.12 The learned counsel for the petitioner relies on clause (f) to claim that the sponsor is a blood relative; there can be no quarrel with that. At the same time, it can be seen that clause (d) mandates that the quota be utilised by the NRIs, their children and wards and not a foreign national. Therefore, the sponsors shall be an NRI as per the plain meaning or should claim within the definition of NRI by legal fiction. The legal



fiction is created by the Citizenship Act, 1995 and the Notifications issued thereunder.

By 2005/2009 Notifications, the OCI cardholders were deemed to be NRIs for educational purposes which include the right to sponsor candidate under the NRI quota.

However, not after the 2021 Notification.

5.13 Next, the argument is with reference to clause (h), that the OCI Card is also mentioned as one of the documents. It can be seen that the OCI card holder himself may be a candidate, or, if the OCI card holder is covered by the earlier Notifications, he may also sponsor; as such, the said document is rightly mentioned in Clause (h) of the prospectus. Thus, even by reading any of the clauses in the prospectus, I do not see any contrary position. The respondents were correct in rejecting the petitioner's candidature under the NRI quota, and the writ petition lacks merit.

F. The Result:

6. This Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No order as to costs.

16.12.2025

Neutral citation:yes
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To

1.The Principal Secretary to Government,
State of Tamil Nadu, Health & Family Welfare Department,



Secretariat, Chennai 600 009.



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2. The Director General of Health Services,
Directorate General of Health Services,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi 110 011.

3. The Secretary, Selection Committee,
Directorate of Medical Education,
Government of Tamil Nadu,
162, Periyar E.V.R.High Road,
Kilpauk, Chennai 600 010.



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D.BHARATHA CHAKRAVARTHY, J.

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W.P.No.46027 of 2025
and
W.M.P.Nos.51341 and 51342 of 2025



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16.12.2025