



**106 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-33482-2025 (O&M)
Date of Decision:21.11.2025

VAYU SHARMA

....PETITIONER(S)

VERSUS

NATIONAL MEDICAL COUNCIL AND ORS.RESPONDENT(S)

CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Puneet Sharma, Advocate and
Ms. Gursimran Kaur, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Nilesh Bhardwaj, Advocate and
Mr. S. Jain, Advocate
for respondent No.3-University.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. Petitioner is aggrieved by denial of admission to him in NRI Category though he has undertaken necessary formalities in accordance with the prospectus issued for such admission.

2. The ground taken by the Admission Committee to deny admission to the petitioner in MBBS (UG) 2025 is that the petitioner does not fall under the category of 'Nearest Relation'. The policy for admission to NRI candidate is specified in the admission brochure. Clause 12 of the admission brochure pertains to admission to NRI Categories. Clause 12(vi) is what has been relied upon by the Admission Committee to non-suit the petitioner. The aforesaid Clause is reproduced hereinafter:-

“12. Admission to NRI Category

(NRIs/PIO’s/OCIOs/Foreign National)

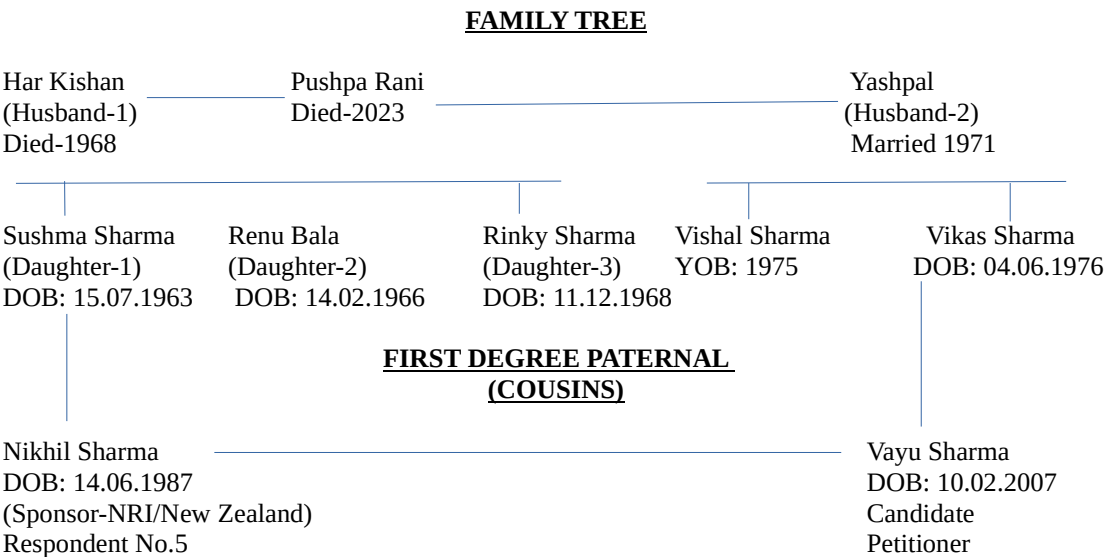
vi. If the first-degree relation of the student is NRI and residing abroad and the candidate fulfills the following condition:-

- a) He should be the nearest relation.
- b) In the definition of nearest relation, candidate having following blood relation:-

- a) Real Brother and sister of father i.e. real uncle and real aunt
- b) Real brother and Sister of mother i.e. real maternal uncle and maternal aunt.
- c) Father and mother of father i.e. grand father and grandmother
- d) Father and mother of mother i.e. maternal grandfather and maternal grandmother
- e) First degree-paternal and maternal cousins
- f) Such person should be NRI

- c) Such persons 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 by such person.”

3. Petitioner has appended the family tree with the present writ petition at Annexure P-23 in order to explain the relationship between the parties. The family tree is reproduced:-



4. Sponsor of the petitioner in this case is one Sh. Nikhil Sharma, who is an NRI from New Zealand. He is the son of Smt. Sushma Sharma who was daughter of Smt. Pushpa Rani (out of her first marriage with one Sh. Har Krishan). Smt. Pushpa Rani remarried Sh. Yashpal in 1971 and from such marriage two sons were born namely Sh. Vishal Sharma and Sh. Vikas Sharma. The writ petitioner happens to be the son of Sh. Vikas Sharma. We are informed that first husband of Smt. Pushpa Rani was murdered on 1968 and thereafter she remarried Sh. Yashpal in the year 1971. Smt. Pushpa Rani had three daughters from her previous marriage, including Smt. Sushma Sharma, the mother of the sponsor who at that point of time was only 8 years' old. After the re-marriage of Smt. Pushpa Rani with Sh. Yashpal, all the three daughters were taken care by Sh. Yashpal who performed all the obligations/duties, including getting them married. Thus all five siblings, *i.e.* three daughters of Smt. Pushpa Rani with her earlier husband Sh. Har Kishan and two sons from the second marriage with Sh. Yashpal, were brought up as a single united family. Smt. Pushpa Rani, therefore, is the common relative. The relationship is not in dispute.

5. Learned counsel for the petitioner submits that all formalities for admission in the NRI quota were completed and the petitioner, who had cleared the NEET Examination, was granted provisional admission in respondent No.4-University under the NRI quota, after deposit of the requisite fee. It was only at the time of physical verification of documents by the Admission Committee of respondent No.3-University, *i.e.*, the governing University, that his relationship with the sponsor was

questioned, on account of being related through siblings who were born from different wedlock of the common female relative, i.e. Smt. Pushpa Rani.

6. It is argued on behalf of the petitioner that the decision of the Admission Committee to reject the claim of the petitioner, on such ground, is arbitrary and discriminatory. He places reliance upon the decisions of the Supreme Court in the cases of ***P. A. Inamdar and Others vs. State of Maharashtra and Others, (2005) 6 SCC 537, Ruchin Bharat Patel vs. Parents' Association for the MD Students and Others, (2022) 18 SCC 78 & Consortium of Deemed Universities in Karnataka (Codeunik) and Another vs. Union of India and Others, (2017) SCC OnLine SC 2110***, to contend that the term 'children' or 'wards of NRI' is wide and flexible and cannot be confined to biological children, nor the relationship is to be only based upon paternal lineage. It is submitted that what has been laid down by the Supreme Court is that the relationship should be *bona fide* and no such exclusion of 'Uterine Blood' or classification on the basis of maternal/paternal lineage has been made.

7. *Per contra*, learned counsel for respondent No.3-University contends that the admission in the NRI Category is being made strictly in accordance with the Notification of the Government of Haryana dated 08.08.2025 which although includes first degree paternal and maternal cousins in the definition of 'nearest relationship', however, on account of the fact that the sponsor and the petitioner are the progeny of brother and sister born out of the first and second wedlock of Smt. Pushpa Rani, therefore, they cannot be considered as first degree cousins. It is

contended that under the Hindu Succession Act, 1956 (*hereinafter referred as 'Act of 1956'*) grandson from a mother's first marriage is not considered as first degree cousin of grandson from her second marriage and they are considered as step-cousins. The Act does not use the term first degree cousin for this relationship. It is further submitted that under the Act, the classification of heirs is based upon specific degrees of blood relationship (consanguinity) and it also recognizes relationship by 'half blood' (when two persons have descended from a common ancestor but by different wives) but specifically excludes "Uterine Blood", *i.e.*, related through the same mother but different fathers, where the children of two marriages have different fathers. It is thus urged, that under the peculiar circumstances, the claim of the petitioner cannot be accepted.

8. After hearing the rival contentions, the undisputed position that emanates is that the Government of Haryana *vide* its notification No.16/10/2024-6HB-IV dated 08.08.2025 has notified the procedure for admission to MBBS/BDS Courses for the Academic Session 2025-26. Clause-12 of the said Notification has been incorporated in the Admission Brochure, as reproduced herein-above. Careful perusal of the clause would reveal that the same is *pari materia* to the guidelines accepted by the Madhya Pradesh High Court in the case of '**Anshul Tomar Vs. State of M.P. and others**', 2008 SCC Online MP 139, which were further relied upon by the Hon'ble Supreme Court in ***Consortium of Deemed Universities case supra***. The notification is stated to be in pursuance to the directions of the Supreme Court in paragraph No.131 of the ***P. A. Inamdar's Case***. The relevant portion of the said paragraph reads as

under:-

“.....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 utilized for benefiting students such as from economically weaker sections of the society, whom, on well defined criteria, the educational institution may admit on subsidized 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.”

9. Provisions of the said policy, which allows admission in the category of first-degree relationship, is not under challenge. What is, therefore, to be seen is as to whether relationship of the petitioner with the sponsor falls in the category of first-degree relationship.

10. The notification qualifies the first-degree relationship with the term ‘nearest relationship’. Nearest relationship is then defined in Clause B which includes various categories including ‘first degree paternal and maternal cousins’. The manner in which the relationship has been specified is intended to extend the benefit to a close relation or nearest relation. The Clauses which are mentioned thereafter are illustrative in nature and the strict principles of the Act of 1956 cannot be brought in so as to non-suit the petitioner in the facts of the present case.

11. A close relationship has clearly been shown to exist between the sponsor and the petitioner, and all other formalities have been undertaken by the petitioner. In such circumstances, we are of the view that the concept of half-blood and uterine blood occurring in the succession laws cannot be applied strictly so as to restrict the expression 'nearest relation' occurring in the policy itself.

12. Even otherwise, with the amendment in the Act of 1956, discrimination between offspring from the maternal or paternal sides is sought to be curtailed. Relationship from the mother side is not of lesser importance. There is another enactment under Hindu law, where the term 'uterine blood' finds mention, i.e. the Hindu Marriage Act, 1955. Under the said Act, Section 3(d), defines 'uterine blood' while the 'degrees of prohibited relationship' are defined under Section 3(g), which are reproduced as under for the facility of reference :-

“3. Definitions.-In this Act, unless the context otherwise requires,-

(d) “uterine blood”-two persons are said to be related to each other by uterine blood when they are descended from a common ancestress but by different husbands.

(g) “degrees of prohibited relationship”-two persons are said to be within the “degrees of prohibited relationship”-

(iv) if the two are brother and sister, uncle and niece, aunt and nephew, or children of brother and sister or of two brothers or of two sisters:

Explanation:-For the purpose of clause(f) and (g),

relationship includes-

(i) *relationship by half or uterine blood as well as by full blood.*

13. Examining the definitions, it can be said that the children of brothers and sisters, even if they are related by way of ‘Uterine Blood’, are considered as close enough or as nearest relations, so as to fall within the ‘degree of prohibited relationship’, under the Hindu Law.

14. The matter is also required to be examined from another angle. India is a diverse country and there are several Succession Laws such as the Hindu Succession Act, 1956, Indian Succession Act, 1925, the Parsi Succession Act, the Muslim Personal Law (Shariat) Application Act, 1937 etc. All laws of succession do not contain uniform principles of succession, and therefore, the very idea of testing the degree of relationship in matters of admission, based upon principles of Succession Laws, would only lead to an anomalous situation, which may give unfair advantage to one applicant over the other. Such cannot be the stated objective, for which the policy has been introduced.

15. We may also take note of progressive interpretations made by the Supreme Court in ***ABC Vs. State (NCT of Delhi), (2015) 10 SCC 1***. We deem it appropriate to reproduce the observations of the Supreme Court made in paragraph No.28 of the judgment, which reads thus:-

“28. We are greatly perturbed by the fact that the Appellant has not obtained a Birth Certificate for her son who is nearly five years old. This is bound to create problems for the child in the future. In this regard, the Appellant has not sought any relief either before us or before any of the Courts

below. It is a misplaced assumption in the law as it is presently perceived that the issuance of a Birth Certificate would be a logical corollary to the Appellant succeeding in her guardianship petition. It may be recalled that owing to curial fiat, it is no longer necessary to state the name of the father in applications seeking admission of children to school, as well as for obtaining a passport for a minor child. However, in both these cases, it may still remain necessary to furnish a Birth Certificate. The law is dynamic and is expected to diligently keep pace with time and the legal conundrums and enigmas it presents. There is no gainsaying that the identity of the mother is never in doubt. Accordingly, we direct that if a single parent/unwed mother applies for the issuance of a Birth Certificate for a child born from her womb, the Authorities concerned may only require her to furnish an affidavit to this effect, and must thereupon issue the Birth Certificate, unless there is a Court direction to the contrary. Trite though it is, yet we emphasise that it is the responsibility of the State to ensure that no citizen suffers any inconvenience or disadvantage merely because the parents fail or neglect to register the birth. Nay, it is the duty of the State to take requisite steps for recording every birth of every citizen. To remove any possible doubt, the direction pertaining to issuance of the Birth Certificate is intendedly not restricted to the circumstances or the parties before us.”

16. We are, therefore, of the considered opinion that in matters of Admission under the NRI quota, the guiding principles would be the observations of the Hon’ble Supreme Court in ***P. A. Inamdar’s Case supra***, and what would be required to be examined is that there is no breach of the reservation limit and the benefit is not extended to some non-deserving candidates, at the peril of compromising merit. Once the

policy of the State Government permits admission to paternal/maternal cousins of a *bona fide* NRI sponsor, then the narrow view taken by respondent No.3-University, of non-suiting the petitioner on the ground of being related with the sponsor by way of “Uterine Blood”, or through maternal lineage, is clearly retrograde and would fall foul of Article 14 of the Constitution of India.

17. In that view of the matter, the instant writ petition is allowed and the decision of respondent No.3-University to exclude the name of the petitioner from the list of provisionally selected candidates, on the ground mentioned above, is set aside. We may take note that *vide* order dated 11.11.2025, we had provided that admission granted to one of the seats under the NRI quota shall abide by the outcome of the present writ petition. Since the petition stands allowed, we direct respondent No.3-University to consider the admission of the petitioner in respondent No.4-University, under the NRI Category, on the basis of merit and in accordance with law.

18. Pending application(s), if any, shall also stand(s) disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

NOVEMBER 21, 2025
Rahul Joshi

1. Whether Speaking/reasoned	Yes/No
2. Whether Reportable	Yes/No