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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 4/11/2026

Pronounced on : 5/11/2026

CORAM

Case QR

THE HON'BLE MR.JUSTICE K. SURENDER

WP No. 42300 of 2026

CNR:{HCMA012488942026}

AND

WMP NO. 47530, 47532, 47533 and 50339 of 2026,

M/s. Nethanya U
D/o Mr.R.Umapathy
12/13, 13th Street,
Jai Nagar,
Arumbakkam,
Chennai 600 106

..Petitioner(s)

Vs

1. The Director General of health services,
   Directorate General of Health Services,
   Ministry of Health and Family Welfare,
   Nirman Bhawan,
   Maulana Azad Road,
   New Delhi 110011.

2. The Secretary,
   Medical Counselling Committee (MCC),
   Directorate General of Health Services,
   Ministry of Health and Family Welfare,
   1st Floor, National Medical Library (NML)
   Building,
   Ansari Nagar, Ring Road, Near AIIMS,
   New Delhi 110029.

..Respondent(s)

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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records on the file of the 2ndrespondent pertaining to the notification dated 27.05.2026 in Ref.U-11011/07/2025-MEC in so far as clause 3(d) and (e) and quash the same and consequently direct the 2nd Respondent to permit me to upload documents and permit me to participate in the PG NEET counselling for the academic year 2026-2027 without insisting on production of proof as per clause 3(d) and (e) of the notification dated 27.05.2026 in Ref.U-11011/07/2025-MEC and pass

For Petitioner(s): Ms.M. Sneha

For Respondent(s): Mr.AR.L.Sundaresan
ASGOI
for Mr.K.Srinivasamurthy
SPCCG

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Order

This writ petition has been filed to quash Clauses 3(d) and (e) of the Notification dated 27/5/2026 and, consequently, to direct the second respondent to permit the petitioner to upload documents and participate in NEET PG counselling for the academic year 2026–2027 without insisting on the production of proof under the said clauses of the Notification bearing Ref. U-11011/07/2025-MEC.

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2. The case of the petitioner, in a nutshell, is as follows:

The petitioner, who has completed her MBBS, appeared under the General Category for the NEET PG entrance examination for the academic year 2026–2027, conducted on 30th August, 2026. The results were declared on 24/9/2026. The petitioner secured 298 marks and an All India Rank of 109233 and was eligible for admission to a postgraduate medical course for the academic year 2026–2027.

3. The schedule for PG All India Quota counselling was uploaded on the second respondent's official website on 7/10/2026. The petitioner sought consideration under the NRI quota on the ground that her paternal uncle, Mr. Murali Ramadas, an Overseas Citizen of India (OCI) residing in the USA, had agreed to sponsor her postgraduate medical education. On perusing the Information Bulletin and the Notification dated 27/5/2026 issued by the second respondent, the petitioner contended that Clauses 3(d) and (e) of the Notification were unwarranted and ought to be quashed. The requirements are as follows:

> "(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

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(e). There should be an affidavit with aforesaid fact."

4. The petitioner uploaded her application seeking admission under the NRI quota. However, her application was rejected mainly on the ground that she had not produced evidence showing that the proposed guardian had looked after her.

5. The learned counsel appearing for the petitioner submitted that the question of producing evidence to establish that the guardian had looked after the student is subjective. Since the petitioner's paternal uncle was willing to sponsor her under the NRI quota, her claim ought to be considered on the basis of an affidavit to be filed by him, without insisting upon any other document.

6. The learned counsel further sought a direction from this Court requiring the respondents to consider the candidature of the petitioner for counselling on the basis of an affidavit that would be filed by the paternal uncle, relying on the judgment of the High Court of Delhi at New Delhi, in A***NISH SANDEEP PATIL (MINOR), THROUGH HIS FATHER Mr.SANDEEP HEMANT PATIL {W.P.(C) 12984 of 2026 & CM Appl.60316 of 2026),*** wherein, interim orders were passed, on 8/9/2026, directing the petitioner therein to participate in the counselling process under the NRI quota, if an

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affidavit of the proposed sponsor along with sufficient documentary proof of financial capacity was filed. However, the participation of the petitioner therein was subject to the final outcome of the writ petition. The case pertains to NEET (UG).

7. The learned counsel also relied on similar interim orders passed by the High Court of Telangana, in W.P.No.35011 of 2026, wherein the Hon'ble Division Bench, placing reliance on Anish's case, permitted participation of the petitioners therein, in the ongoing counselling process as NRI quota candidates. The Notification dated 27/5/2026 was under challenge.

8. The learned Additional Solicitor General of India, appearing on behalf of the respondents, submitted that the Notification dated 27/5/2026, which is the subject matter of this writ petition, pertains to the UG programme and does not govern PG counselling. PG counselling is governed by the Counselling Scheme and Information Bulletin for NEET PG (MD/MS/DNB) Counselling, 2026. The respondents did not insist upon any document or certificate under the Guardians and Wards Act, 1890. However, the petitioner failed to produce proof showing that her NRI sponsor, namely, her paternal uncle, had looked after her as her guardian, as required for NEET PG counselling. Her application was, therefore, rejected.

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9. Admittedly, the impugned Notification dated 27/5/2026 forms part of the NEET UG Counselling MBBS Scheme and does not govern the petitioner's application for a seat in a postgraduate course under the NRI quota.

10. Chapter 4 of the NEET PG Counselling, 2026 Information Bulletin and Counselling Scheme deals with Indian, NRI, OCI and foreign national candidates, including the eligibility of an Indian candidate under the NRI quota. The petitioner falls under Category IV of the Bulletin. The Information Bulletin requires documentary evidence establishing that the NRI sponsor has been genuinely taking care of the candidate. The affidavit and supporting documents submitted must satisfy the competent authority.

11. The requirement of an affidavit and the requirement of supporting documentary evidence serve distinct purposes. An undertaking to bear future educational expenses does not, by itself, establish that the sponsor had previously been taking care of the candidate. Accepting such an undertaking as a substitute for the prescribed evidence would dispense with an independent eligibility requirement contained in the Bulletin.

12. The requirement mentioned in the Bulletin is based on the Division Bench judgment of the Madhya Pradesh High Court in ***ANSHUL TOMAR Vs.***

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STATE OF MADHYA PRADESH AND OTHERS, (2008) 2 MPLJ 450. The relevant portion of the Bulletin reads as follows:

> "Candidates shall be required to submit an Affidavit (on Rs.100 stamp paper duly notarized) from the person claiming to be their guardian, affirming that)
>
> …..
>
> (iv). Any other relevant documentary evidence establishing that the person has been genuinely taking care of and supporting the candidate for the requisite period.
>
> The Affidavit and supporting documents shall be subject to verification by the Competent Authority/MCC. Mere submission of the Affidavit shall not, by itself, confer eligibility or establish the claim of guardianship if the supporting documents are found inadequate, inconsistent or otherwise not genuine.
>
> As the candidates are majors, they will not be required to submit Court order as per the Guardian

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and Wards Act, 1890 to convert from Indian to NRI category. This clarification is issued in the larger interest of candidates and in compliance with the observations/directions of the Hon'ble High Courts."

13. The learned counsel appearing for the petitioner submitted that, although the Information Bulletins for 2025 and 2026 require evidence showing that the NRI sponsor had looked after the student as her guardian, the colleges were not insisting upon such documents. It was, therefore, contended that the rejection of the petitioner's application at the threshold for want of such evidence ought to be set aside.

14. The interim orders relied upon by the petitioner permitted participation subject to the final outcome of the respective proceedings. On the material placed before this Court, those orders do not constitute a final adjudication dispensing with the documentary requirements applicable to the present PG admission process. The petitioner's eligibility must, therefore, be examined under the governing PG Bulletin.

15. The NRI quota provides for the consideration of eligible NRI, OCI and foreign national candidates and their wards, as specified in the Bulletin. A student such as the petitioner, claiming sponsorship by an NRI, can be

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considered under that quota only upon fulfilment of the applicable conditions prescribed in the Bulletin.

16. The requirement under the NEET PG, 2026 Bulletin of evidence showing that the NRI sponsor had looked after the student is intended to establish a bona fide relationship with the student and to prevent sponsorship arrangements being created solely to secure admission. The adequacy of the evidence produced must be assessed by the competent authority in accordance with the Bulletin.

17. In the present case, apart from stating that her paternal uncle is an NRI and would sponsor her tuition fees, the petitioner did not produce any proof showing that he had been taking care of her or meeting her needs in any manner so as to establish her eligibility for admission under the NRI quota.

18. The absence of a court order appointing a guardian is distinct from the absence of evidence of actual care and support. The respondents have not insisted upon a guardianship order in the present case. The rejection rests on the failure to produce supporting evidence required by the Bulletin. The proposed sponsor’s relationship with the petitioner and his willingness to meet future expenses do not, without such evidence, satisfy that separate requirement.

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19. In view of the above, no direction can be issued to the respondents to permit the petitioner to upload documents and participate in NEET PG counselling for the academic year 2026–2027 by dispensing with the documentary requirements prescribed in the NEET PG, 2026 Bulletin. The prayer to quash Clauses 3(d) and (e) of the Notification dated 27/5/2026 is declined.

20. In the result, this **writ petition is dismissed.** No costs. Consequently, the connected miscellaneous petitions are dismissed.

(K.SURENDER,J)
5/11/2026

Neutral Citation: Yes/No

mvs.

To

1. The Director General of health services,
   Directorate General of Health Services,
   Ministry of Health and Family Welfare,
   Nirman Bhawan,
   Maulana Azad Road,
   New Delhi 110011.
2. The Secretary,
   Medical Counselling Committee (MCC),
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K.SURENDER J.

mvs.

Pre-delivery order made in
WP No. 42300 of 2026

5/11/2026

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