$~191

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010485122026**

\+ W.P.(C) 14885/2026 & CM APPL. 69936/2026

FATHIMA HANNA

.....Petitioner

Through: Mr. Mohd. Wasiq Khan, Mr.Mohd. Nawaz Shareef, Mr. Md. Aatif Adnan, Advs

versus

MEDICAL COUNSELLING COMMITTEE MCC & ANR.

.....Respondent

Through: Ms. Avshreya Pratap Singh Rudy, Adv. (CGSC) Ms. Usha Jamnal, Adv. Ms. Nyasa Sharma, Adv. Mr. Siddhant Nagar, Adv Mr. Abhinav Mall, Adv Ms. Nishtha Dhall, Adv

CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH

O R D E R

% 07.10.2026

CM.APPL. 69936/2026

1. This is an application filed under Section 151 of CPC, 1908 seeking interim relief.
2. For the reasons stated in the application, issue notice.
3. Ms. Rudy, learned CGSC accepts notice on behalf of the respondents.
4. The brief facts of the case are that the petitioner in the present case, has qualified National Eligibility Cum Entrance Test- Under Graduate, 2026 ***("NEET UG"),*** securing 61.55 percentile. The petitioner sought admission in medical (allied) courses under the 15% NRI Quota. She is being sponsored by her first cousin brother, who is her nearest relative, and is an Overseas Citizen of India/NRI, settled

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 14/10/2026 at 11:45:15

in Riyadh, Saudi Arabia.

5. The petitioner uploaded/submitted all the required documents to prove that the said guardian, i.e. her maternal aunt, has always treated the petitioner as her ward and has genuine interest in the affairs of the petitioner. Further, the documents submitted were in accordance with law and as per the guidelines of the Hon'ble Supreme Court in ***Consortium of Deemed Universities in Karnataka v. Union of India, (2022) 18 SCC 58.***

6. To the surprise of the petitioner, the documents of the petitioner were rejected by the online portal on the ground that she did not upload the Court order showing that her sponsor is her legal guardian.

7. The petitioner, in the present case, is aggrieved by the impugned notification bearing No. Ref.U-11011/07/2025-MEC dated 27.05.2026 and more particularly the last paragraph, which reads as under:

> "….
>
> *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."*
>
> *Hence, the candidates applying for NRI Quota seats will have to abide/adhere with the abovementioned eligibility criteria for participation in counselling as NRI candidate/candidature. It is further informed to NEET aspirants for the academic year 2026 that MCC/competent authority will seek evidential proof/ legal document from the*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 14/10/2026 at 11:45:15

candidates as in point 3 (d) & (e) of the order, during counselling, demonstrating that the sponsor is actually Bonafide legal guardian of the candidate as per Guardians and Wards Act, 1890."

(Emphasis supplied)

8. Mr. Nandan, learned counsel for the petitioner, draws my attention to definition clause and more particularly Sections 4(2) and 4(3) of the Guardian and Wards Act, 1890 ***("GWA")***, wherein the definition of guardian and ward reads as under:-

"(2) "guardian" means a person having the care of the person of a minor or of his property, or of both his person and property

(3) "ward" means a minor for whose person or property, or both, there is a guardian"

9. He further draws my attention to Section 8 of GWA, which reads as under:

"8. Persons entitled to apply for order.—An order shall not be made under the last foregoing section except on the application of—

(a) the person desirous of being, or claiming to be, the guardian of the minor, or

(b) any relative or friend of the minor, or

(c) the Collector of the district or other local area within which the minor ordinarily resides or in which he has property, or

(d) the Collector having authority with respect to the class

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 14/10/2026 at 11:45:15

to which the minor belongs"

10. A perusal of the above shows that the GWA is only applicable to the minor children and persons taking care of a minor. The same, *prima-facie*, do not seem to apply to persons who are aged 18 and above.

11. Learned counsel of the petitioner has also drawn my attention to the date of birth of the petitioner which is stated to be 10.08.2006. The petitioner, in the present case, has crossed the age of 18 years.

12. Thus, *prima-facie*, the impugned portion of the circular dated 27.05.2026, seems to be inapplicable *qua* the petitioner as the petitioner has already crossed the age of 18 years and thus does not need to obtain the certificate required under the GWA.

13. For the said reasons, till the next date of hearing, the applicability of the impugned paragraph, as reproduced above of the notification dated 27.05.2026 shall remain stayed *qua* the petitioner. The petitioner shall be permitted to upload the documents forthwith and if not possible, physically hand over the same.

14. The application is disposed of in the aforesaid terms.

W.P.(C) 14885/2026

15. In view of the order passed above, learned counsel for the petitioner does not press the present petition.

16. Hence, the same is disposed of.

JASMEET SINGH, J

OCTOBER 7, 2026/NR

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 14/10/2026 at 11:45:15