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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11149/2023 and CM APPL. 43344/2023**

MANAV SHUKLA

..... Petitioner

Through: Mr. Jasmeet Singh, Mr. Pushpendra
S. Bhadoriya and Mr. Saif Ali,
Advocates.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Gaurav Sharma, Sr. P.C with
Ms. Vidhi Gupta, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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23.08.2023

CM APPL. 43345/2023 (for exemption)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 11149/2023 and CM APPL. 43344/2023

3. The petitioner in the instant petition has prayed for the following reliefs:

“A. Issue prerogative writs of Mandamus or any other appropriate writ, order or direction analogous thereto, under Article 226 of the Constitution of India, and after examining the validity, legality and propriety thereof, direct the Respondent No 2 and 3 to allot a seat to the Petitioner under NRI Sponsored Quota for undergraduate programme 2023 for MBBS Course; AND/OR

B. Issue prerogative writs of Mandamus or any other appropriate writ, order or direction analogous thereto, under Article 226 of the Constitution of India, and after examining the validity, legality and propriety thereof, directing the Respondent No. 2 & 3 to decide the candidature of the Petitioner qua conversion of the status of the Petitioner from Indian to NRI in

order to avail a seat under NRI sponsored seat, as the Petitioner fulfils every eligibility criterion in terms of notification dated 05.08.2023 bearing ref no. U- 11011/01/2023-MEC issued by the Respondent No. 3 for such conversion; AND/OR

C. Issue prerogative writs of Mandamus or any other appropriate writ order or direction analogous thereto, under Article 226 of the Constitution of India, after examining the validity, legality, and propriety thereof, directing the Respondent No. 2 & 3 to relax the condition of requirement of Embassy Certificate confirming NRI Status by considering the candidature of the Petitioner on the basis of OCI card of the sponsor; AND/OR”

4. Learned counsel appearing on behalf of the petitioner submits that on 16.08.2023, the petitioner sent a mail to Consul (OCI, SC & Attestation) Consulate General of India, Toronto requesting for issuance of NRI certificate from the embassy.

5. The mail dated 16.08.2023 sent by the petitioner to the aforesaid authority reads as under:

“Hello Sir.

I got in touch with the Medical Counselling Committee regarding the matter of the NRI Certificate. I was told by their team that many Canadian OCI holders who are sponsoring their near relatives have received an NRI Certificate from CGI Toronto.

I was told by the team that it is issued under a special status ONLY FOR SPONSORING ADMISSION TO THE NRI SPONSOR QUOTA seats for MBBS as it is a requirement by the MCC that an embassy certificate not older than 6 months be submitted along with the details of the sponsor like OCI card, sponsorship affidavit and NEET RESULT of the candidate being sponsored.

Please help me in this regard as my admission to the MBBS Program is currently stalled only because this document is missing

and they are persistent on their end that OCI card and PIO can and should submit an NRI Certificate from the embassy.

Thank you for your time.

*Regards,
Manav Shukla*

6. In response to the said mail, the concerned authority responded that OCI card-holders are not eligible for issuing of NRI certificates.
7. The learned counsel appearing on behalf of the petitioner, therefore, submits that the sponsor of the petitioner for admission against the NRI quota is admittedly an OCI card-holder and, therefore, the requirement of submission of NRI certificate from the concerned embassy can be dispensed with.
8. Issue notice.
9. The learned counsel appearing on behalf of the respondents accepts notice.
10. Let the respondents consider the request of the petitioner in view of the submissions made hereinabove appropriately and decide the same in accordance with law.
11. List this matter on 28.08.2023.
12. The respondents are also called upon to seek instructions and to file their response by way of an affidavit before the next date of hearing.
13. Copy of this order be given *dasti* under signatures of the Court Master.

PURUSHAINDRA KUMAR KAURAV, J
AUGUST 23, 2023/p/ss

Click here to check corrigendum, if any