

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

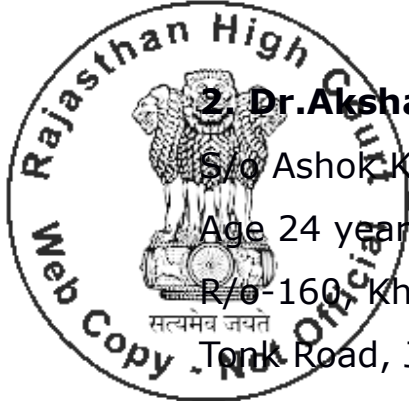
S.B. Civil Writ Petition No.10313/2018

1. Dr.Sheetal Nepalia

D/o Subhash Nepalia,
Age 30 years
R/o-68, Dhuleshwar Garden,
Sardar Patel Road, C-Scheme
Jaipur-302001, Rajasthan

2. Dr.Akshat Khandaka

S/o Ashok Khandaka,
Age 24 years
R/o-160, Khandaka Hospital, Kailashpuri,
Tonk Road, Jaipur-302018,
Rajasthan



.....Petitioners

Versus

1. State of Rajasthan,

Through Principal Secretary,
Medical, Health and Family Welfare
C-Scheme, Ashok Nagar,
Jaipur

2. Office of the Chairman

NEET PG Medical & Dental Admission/Counselling
Board-2018
Principal & Controller, SMS Medical College
& Attached Hospitals, Jaipur,
SMS Medical College, Jaipur.

.....Respondents

For Petitioner(s) : Mr.Ajatshatru Mina

For Respondent(s) : Mr.S.K. Gupta, AAG with Mr.Y.S. Jadoun

HON'BLE MR. JUSTICE ALOK SHARMA

Order**10/05/2018**

The petitioners claim admissions into PG (Medicine) course on the seats reserved in the NRI Quota. Their case is that their sponsors are maternal uncles of the first degree. It has been submitted that the affidavits of the sponsors will be filed to the PG (Medicine) Counselling Board. Also would be submitted copies of their passports / VISAs evidencing that they ordinarily reside in foreign countries. It has been submitted that at the time of instructions issued for admissions into PG (Medicine) Course, no requirement of certificate of the concerned Embassy recording the NRI status of the sponsor was required to be submitted to the PG (Medicine) Counselling Board. That requirement has now been notified on 8th May, 2018 after the end of first round of counselling while the last date for the second round of counselling is today itself. It has been submitted that within the short span of time it is not possible to comply with the subsequent requirement of filing a certificate issued to sponsoring person by the concerned Indian Embassy of the foreign country in issue where the sponsor ordinarily resides. It has been submitted that in these circumstances, it be directed that the requirement of filing a certificate from the Embassy of the residence of the sponsoring person should be dispensed with and the petitioners be considered for admissions into PG (Medicine) in the NRI quota also on the



strength of other evidences of their sponsors being within the category of those detailed by the Apex Court in the case of Consortium of Deemed Universities in Karnataka (CODEUNIK) & Anr. Versus Union of India & Ors. - W.P. © No. 689/2017 decided on 22.8.2017.



Mr. SK Gupta, AAG appearing for the respondent-Counselling Board submitted that the petition is based on the factual assertion of the petitioners being entitled for admissions into PG (Medicine) against NRI quota. He needs time to file reply. It has been submitted that the NRI quota is in the nature of concession / incentive. It is the duty of the respondent-PG (Medicine) Counselling Board to ensure that the vacancies under the said quota are only available to those who to its satisfaction satisfy the pre-conditions to be considered for eligible for admissions into NRI quota. It has been submitted that who would be entitled to seats in NRI quota in PG (Medicine) Courses has been considered by the Apex Court in the case of Consortium of Deemed Universities (supra). Thereunder it has been inter-alia provided that the student seeking admissions into PG (Medicine) NRI quota should be one who has been looked after by the sponsorer as a guardian and evidence to this effect must be produced. It has been submitted that in pursuance to the judgment of the

Apex Court in the aforesaid case, the Medical Counselling Committee (hereafter 'the MCC) of the Medical Council of India (hereafter 'the MCI') has issued a notice on 5.5.2018 and provided for various documents to be reckoned for before any student is considered for admission into PG (Medicine)

against the NRI quota. They are as under:



1. Affidavit of the person who is NRI and the sponsorer.

2. Documents claiming that the sponsorer is an NRI (Passport, Visa of the sponsorer)

3. Relationship of NRI with the candidate as per the Court orders of The Hon'ble Supreme Court of India in case W.P.(c) No.689/2017 Consortium of Deemed Universities in Karnataka (CODEUNIK) & Ans. vs. Union of India & Others dated 22-08-2017.

4. Affidavit from the sponsorer that he/ she will sponsor the entire course fee of the candidate.

5. Embassy Certificate of the Sponsorer."

It has been submitted that the safeguards above are intended to ensure that NRI quota for admissions into PG (Medicine) is not misused and only those strictly entitled thereto are allowed the benefit.

Mr. SK Gupta, AAG further on instructions of Mr. Prakash Gupta, DLR, and also a member of PG Admission Board submitted that be as it may in the event affidavits duly notarized / attested by the Notary Public of the concerned

foreign country where the sponsorer of a student is a resident is received to the satisfaction of the PG (Medicine) Counselling Board, aside of other requisite proof dehors the certificate of the embassy concerned, such students would be considered as eligible for seats in NRI quota.



Heard. Considered.

Indeed admissions to NRI quota in PG (Medicine) are a special category. The conditions required to be satisfied to avail such quota have been set out in the judgment of the Apex Court in the case of Consortium of Deemed Universities (supra). I am of the considered view that albeit the said judgment of the Apex Court in the case of Consortium of Deemed Universities (supra), related to admissions into deemed Universities, proof with regard to the manner of identification of students for admissions into against the NRI quota should apply across the Board to all admissions including PG (Medicine). This is so to prevent any potential misuse of the NRI quota.

Resultantly, it is for the Board to satisfy itself of the eligibility of a person claiming admissions into PG (Medicine) in NRI quota. However, in view of the submissions of Mr. S.K.

Gupta, on instructions of Mr. Prakash Gupta, DLR, it is directed that in the event a duly notarized affidavit by the Notary Public of the foreign country where the sponsor resides being submitted, it be treated as sufficient as to the factum of the residence of the sponsor. Other conditions for



admission into PG NRI quota, as directed by the Apex Court in the case of Consortium of Deemed Universities (supra), also be found to the satisfaction of the PG Admission Board before giving the benefit of NRI quota in PG (Medicine).

Petition stands disposed of accordingly.

(Alok Sharma) J.

DK