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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (LODGING) NO.8223 OF 2026

ALONG WITH

INTERIM APPLICATION (LODGING) NO.23721 OF 2026

Wu Jyun Lin,	]	
Age : 34 years, Occ.: Student,	]	
	]	
Republic of China (Taiwan),	]	
	]	.. Petitioner/Applicant

Versus

- | | | |
|---|---|----------------|
| 1. Foreigners Regional Registration Office, |] | |
| (Bureau of Immigration), |] | |
| Through Deputy Commissioner of Police, |] | |
| Mumbai 400 001. |] | |
| |] | |
| 2. Ministry of Home Affairs, |] | |
| Through Joint Secretary (Foreigners), |] | |
| Foreigners Division, New Delhi 110 001. |] | |
| |] | |
| 3. Ministry of External Affairs, |] | |
| Through its Secretary, |] | |
| New Delhi 110 011. |] | |
| |] | |
| 4. Union of India, |] | |
| Ministry of Law and Justice, |] | |
| Aaykar Bhavan, Mumbai 400 020. |] | .. Respondents |

Mr. Mihir Desai, Senior Advocate, i/by Mr. Prithviraj S. Gole, Advocate
for the Petitioner/Applicant.

Ms. Leena Patil with Mr. Rahul Tiwari and Ms. Akanksha A. Mishra,
Advocates for Respondent No.1.

Mr. Prashant Kamble, AGP for Respondent Nos.2 to 4.

**CORAM : RAVINDRA V. GHUGE, ACJ. &
GAUTAM A. ANKHAD, J.**

RESERVED ON: 20TH JULY, 2026.

PRONOUNCED ON : 28TH JULY, 2026.

JUDGMENT : { Per Gautam A. Ankhad, J. }

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel appearing for the parties.

2. The Petition, *inter alia*, challenges the Exit Permit dated 21st February, 2026 issued by Respondent No.1 directing the Petitioner, a Taiwanese national, to depart from India.

3. The facts giving rise to the present Petition are briefly stated as follows:

(i) The Petitioner was granted an Employment (E-2) Visa bearing No. [REDACTED] by the Indian embassy at

Taiwan for taking up employment with Maxxis Rubber India Private Limited, Gujarat. The Employment Visa was initially issued for one year and was thereafter extended from time to time. The last extension remained valid until 12th November, 2025. The Visa stipulated as follows:

*“NOT VALID FOR PROHIBITED/
RESTRICTED CANTONMENT AREAS.
REGISTRATION WITHIN 14 DAYS OF
ARRIVAL IN INDIA*

*CHANGE OF PURPOSE NOT
ALLOWED”.*

- (ii) While continuing his employment with Maxxis Rubber India Private Limited, the Petitioner pursued the following academic courses: (a) Online Certification course in Human Resources conducted by IIM Shillong for the period from 1st January, 2023 to 30th December, 2023; and (b) Online Master of Business Law course conducted by the National Law School of India University for academic period 2023-25.
- (iii) The Petitioner applied for and was granted Equivalence Certification on 21st August, 2023 and a Higher

Secondary Certificate on 10th October, 2023. The said Certificates confer academic equivalence for purposes of higher education in India.

- (iv) In August, 2024 the Petitioner appeared in the State Common Entrance Test for securing admission at Government Law College, Mumbai in the three years LL.B. programme. On 19th September, 2024, the Petitioner's admission was confirmed by the State CET.
- (v) On 1st May, 2025, the Petitioner tendered his resignation from employment and was relieved from service with effect from 1st July, 2025.
- (vi) On 10th July, 2025, the Admissions Regulatory Authority approved the Petitioner's admission for Academic Year 2024-25 for the Three Years LL.B. course at Government Law College, Mumbai.
- (vii) On 17th July, 2025, the Petitioner returned to Taiwan upon his decision not to continue employment in India.
- (viii) The Petitioner applied for a Student Visa before the Indian Embassy in Taiwan. Upon completion of the

prescribed formalities, on 14th August, 2025, the Indian Embassy at Taiwan issued a Student Visa valid until 13th August, 2028, Government Law College, Mumbai. The Visa prescribed the following conditions:

“GOVERNMENT LAW COLLEGE, MUMBAI.

4 ENTRIES PER ACADEMIC YEAR. REGISTRATION WITHIN 14 DAYS OF ARRIVAL IN INDIA. NOT VALID FOR PROHIBITED/ RESTRICTED AND CANTONMENT AREAS. NO WORK/BUSINESS.

CHANGE OF PURPOSE NOT ALLOWED”

- (ix) On 20th August, 2025 the Petitioner arrived in India under the Student Visa. On 1st September, 2025, the Petitioner submitted an online Application for issuance of a Registration Certificate on the portal maintained by Respondent No.1 along with the requisite documents. As no decision was taken on the Application, the Petitioner addressed several emails between 5th October, 2025 and 27th November, 2025 requesting Respondent No.1 to process his Application.
- (x) On 16th December, 2025, the Petitioner was informed that he was liable to pay a penalty of Rs. 50,000/-. The

demand was reflected on the online portal maintained by Respondent No.1. The Petitioner was informed by a one-line email that his request for a Registration Certificate had been closed. No reasons were assigned for the closure of the Petitioner's request for issuance of Registration Certificate.

(xi) On 20th December 2025, the Petitioner disputed the levy of penalty, asserting that his Application for registration had been submitted within the statutory period of fourteen days.

(xii) On 6th January, 2026, Respondent No.1 informed the Petitioner that the penalty could not be waived and directed him to remit the amount. The Petitioner submitted representations on 8th January, 2026, 22nd January, 2026 and 12th February, 2026 requesting reconsideration of the decision. However, no relief was granted and on 21st February, 2026, Respondent No.1 issued the impugned Exit Permit directing the Petitioner to leave India within the period stipulated therein. Aggrieved thereby, the Petitioner has instituted the present proceedings.

4. Mr. Mihir Desai, learned senior advocate appearing for the Petitioner submits that the impugned Exit Permit is arbitrary, illegal and results in an unwarranted curtailment of the Petitioner's right to pursue education in India despite his holding a valid Student Visa. He contends that the Petitioner after securing admission at the Government Law College, Mumbai, was working through on-line mode so that he could pursue his education. The Petitioner had duly submitted his Application for issuance of a Registration Certificate on 1st September, 2025, well within the period prescribed under Rule 6 of the Registration of Foreigners Rules, 1992. Consequently, there was no occasion to impose any penalty for delayed registration. It is further submitted that the Petitioner has complied with all the requirements prescribed for grant of a Student Visa and no longer intends to undertake employment in India. It is contended that the failure of Respondent No.1 to issue a Registration Certificate, coupled with the issuance of the Exit Permit, prejudices the Petitioner's ability to return to India on a valid Student Visa and would adversely affect his education. The impugned action is arbitrary and liable to be quashed.

5. Per contra, Ms. Leena Patil, learned counsel appearing for

Respondent No.1, relying upon the affidavits dated 15th May, 2026 and 2nd April, 2026 filed on behalf of Respondent No.1, submits that under Section 7(2)(f) of the Immigration and Foreigners Act, 2025, every foreign national is required to strictly adhere to the purpose and conditions of the Visa granted and cannot deviate therefrom without prior approval of the Competent Authority. It is contended that the Petitioner's Employment Visa prohibited any change in its purpose. The Petitioner while holding the Employment Visa could not pursue academic programmes without either obtaining prior permission from or even intimating Respondent No.1. Such conduct constitutes a fundamental breach of the conditions of the Employment Visa. Hence, the Registration Certificate has been refused. The Petitioner has violated the conditions governing his stay in India and is consequently liable for action under Sections 23 to 25 of the Immigration and Foreigners Act, 2025. It is accordingly submitted that the issuance of the Exit Permit is within the regulatory framework and warrants no interference in the exercise of writ jurisdiction. In support of these submissions, reliance is placed upon the decision of the learned Single Judge of the Delhi High Court in ***Kasha Elizabeth Vande vs. Ministry of Home Affairs and Ors., 2018 SCC OnLine Del 9920.***

6. We are unable to accept the Respondent's contention that the Exit Permit was justified as the Petitioner violated the conditions of his earlier Employment Visa by pursuing educational courses while employed in India. The Employment Visa stipulated only two conditions, (i) that it was not valid for prohibited/restricted/cantonment areas; and (ii) that FRRO registration was required within fourteen days of arrival in India. The Petitioner was in employment till 1st July, 2025 and simultaneously pursued online academic programmes. There is no prohibition in the conditions of Employment Visa from doing so. After resigning from employment and whilst studying at the Government Law College, the Petitioner left India and returned to Taiwan. The Petitioner applied afresh for a Student Visa before the Indian Embassy in Taiwan. Upon due verification, the competent authorities granted him a Student Visa valid till 13th August, 2028.

7. The reliance placed by the Respondents on Section 7(2)(f) of the Immigration and Foreigners Act, 2025 is misplaced. Section 6 of the Act provides for registration of foreigners upon their arrival in India with Respondent No.1. Section 7 of the Act provides for powers to issue orders, directions or instructions for prohibiting, regulating or restricting the entry of foreigners into India or their departure. Section 7(2)(f)

obligates a foreign national to comply with conditions of the Visa. The material on record does not establish any breach of the express conditions contained in the Employment Visa. The Petitioner is not involved in any criminal investigations nor are any proceedings filed against him by any authorities. The Indian Embassy at Taiwan is presumed to be aware that the Petitioner had already begun studying at the Government Law College, under the Employment Visa. Nevertheless it granted the Student Visa to the Petitioner. The Student Visa now issued specifically prohibits employment or business activities. It is not the Respondents' case that after entering India on the Student Visa the Petitioner has engaged in any employment or otherwise breached any condition of the Student Visa. Therefore, if the Petitioner is directed to leave India, it would seriously disrupt his education.

8. The Registration of Foreigners Rules, 1992 (now superseded) require registration within fourteen days of arrival. The Petitioner arrived in India on 20th August 2025 and submitted his online application on 1st September, 2025, which is within the prescribed period. There is no delay on the Petitioner's part and hence the question of imposing penalty of Rs. 50,000/- does not arise. The Petitioner's request is closed without assigning any reasons and he was called upon

to pay a penalty again without assigning any reasons. There is no response to any of the Petitioner's representations. Thereafter, the impugned Exit Permit came to be issued without even considering the Petitioner's explanation. Such actions, in the present peculiar facts, are arbitrary and cannot be sustained.

9. The decision of the learned Single Judge of the Delhi High Court in *Kasha Elizabeth Vande* (supra) does not advance the Respondents' case. In that case, the Petitioner therein was blacklisted for visa violation for being involved in NGO activities in Puducherry while holding a business visa. The Petitioner had made incorrect statements in her visa application including the name of her employer and had over-stayed in India beyond the permissible limit in violation of the visa conditions. The facts are distinguishable. In the present case, the Petitioner resigned from employment, departed from India, obtained a fresh Student Visa through the prescribed procedure and thereafter entered India for pursuing his studies. The Indian Embassy which had earlier granted him an employment visa, had itself verified his application for a student's visa, which was granted and on the basis of which, he lawfully entered India. The ratio of the said decision is inapplicable in the present facts.

10. For all the aforesaid reasons, **the Petition is allowed in terms of prayer clauses (a) and (b) which read as under:**

*“a) By an appropriate order and/or writ and/or directions of this Hon’ble Court, Respondent No.1 be directed forthwith process and grant the Registration Certificate to the Petitioner pursuant to his application dated 01/09/2025 (annexed to the present Writ Petition at **Exh.’J’**) in accordance with law;*

*b) By an appropriate order and/or writ and/or directions of this Hon’ble Court, the impugned Exit Permit dated 21/02/2026 (annexed to the present Writ Petition at **Exh. ‘U’**) issued by Respondent No.1 directing the Petitioner to compulsorily depart from India be quashed and set aside;”*

In view of the above, **pending Interim Application** does not survive and the same **is disposed off**.

11. Respondent No.1 shall pass appropriate orders in accordance with law within a period of six weeks from the date of this order after examining the relevant documents. Pending such consideration, the Petitioner shall be permitted to remain in India and continue his studies in terms of the Student Visa issued to him. It is clarified that the Petitioner shall strictly abide by all the conditions of the Student Visa and shall not undertake any other activity or employment or

business during its validity.

12. **Rule is made absolute in the aforesaid terms. There shall be no order as to costs.**

[GAUTAM A. ANKHAD, J.]

[ACTING CHIEF JUSTICE]

BHARAT
DASHARATH
PANDIT

Digitally signed by
BHARAT
DASHARATH
PANDIT
Date: 2026.07.28
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