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

CNR No. DLHC010420722026

+ **W.P.(C) 12984/2026 & CM APPL. 60316/2026**

**ANISH SANDEEP PATIL (MINOR) THROUGH HIS FATHER
SANDEEP HEMANT PATIL**

.....Petitioner

Through: Ms. Archana Surve Shinde, Mr.
Vinod Kumar Ahlawat, Mr. Ishaan Kapoor, Advs
versus

UNION OF INDIA & ORS.

.....Respondents

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

**CORAM:
HON'BLE MR. JUSTICE JASMEET SINGH**

ORDER

% **08.09.2026**

CM APPL. 60317/2026

Exemption allowed, subject to all just exceptions.

The application is disposed of.

CM APPL. 60316/2026

1. This is an application filed under Section 151 CPC, 1908, seeking ad-interim ex-parte injunction order staying the operation of Impugned Notice dated 27.05.2026 issued by Medical Counselling Committee.
2. For the reasons stated in the application, issue notice.
3. Ms. Rudy, learned counsel accepts notice on behalf of the



respondents.

4. In the present case, the petitioner was born on 30.10.2008 and participated in the NEET-UG 2026 examination, wherein he secured the requisite cut-off marks. The petitioner's extended family resides outside India. One Mr. Shailesh Ashokrao Patil, who is the maternal uncle (mama) of the petitioner, has undertaken to bear the entire coaching expenses, the cost of the NEET-UG examination and the educational expenses towards the MBBS course of the petitioner.

5. Since 2017, NRI quota admissions had been permitted on the basis of an affidavit of the NRI sponsor, in terms of the Hon'ble Supreme Court's order dated 22.08.2017 in *Consortium of Deemed Universities in Karnataka v. Union of India*, and the same practice continued in 2024 and 2025.

6. By the impugned notice dated 27.05.2026, however, the MCC introduced a requirement that an NRI sponsor must establish legal guardianship under the Guardians and Wards Act, 1890. The petitioner contends that obtaining such a guardianship order is a time-consuming process and that the change, introduced shortly before the counselling process, has prevented him from participating in the NRI quota counselling. The second round of counselling is underway from 03.09.2026 to 09.09.2026. The petitioner therefore seeks quashing of the impugned notice and a direction to the MCC to follow the procedure contemplated by the Supreme Court's order dated 22.08.2017.

7. Ms. Rudy, learned counsel, opposes the grant of interim relief on the ground that the policy decision of the respondents ought not to be interfered with by the Court. It is submitted that the requirement of the guardian of the student having actually looked after the student, supported by evidence, is a



safeguard against bogus and manufactured claims. It is further submitted that the second round of counselling is presently underway and that any interim order at this stage would disturb the counselling schedule.

8. I am of the view that a detailed counter-affidavit/reply ought to be filed by the respondents.

9. Let the same be done before the next date of hearing.

10. The notice dated 27.05.2026 prescribes, inter alia, the following requirements for a person claiming to be a sponsor/nearest relative:

“a) He should be the nearest relation.

b) In the definition of the nearest relation, Committee has considered following relative having blood relations:

i. Real brother and sister of father, i.e. real uncle and aunt;

ii. Real brother and sister of mother, i.e. real maternal uncle and maternal aunt;

iii. Father and mother of the father, i.e. grandfather and grandmother;

iv. Father and mother of the mother, i.e. maternal grandfather and maternal grandmother;

v. First-degree paternal and maternal cousins.

vi. Such person should be an NRI.

c) Such person should ordinarily be residing abroad.

d) Such person should have looked after the student as his/her guardian, and evidence to that effect must have been produced before the Committee by such person.

e) There should be an affidavit with aforesaid fact.”

11. The petitioner is unable to fulfil the requirements contained in clauses (d) and (e) of the aforesaid notice.



12. *Prima facie*, the concern of the respondents ought to be limited to ensuring that admission under the NRI quota is not sought on the basis of bogus or manufactured documents. The requirement of establishing that the sponsor had, in fact, looked after the student as his guardian, however, appears to introduce a subjective criterion, the satisfaction of which may vary from case to case.

13. In my view, an affidavit furnished by the proposed sponsor, accompanied by sufficient documentary material demonstrating the sponsor's financial capacity to bear the educational expenses of the petitioner, would adequately address the legitimate concern of the respondents at this stage.

14. The requirement of producing "evidence" to establish that the sponsor has looked after the student as his guardian appears to be subjective and cannot, at this stage, constitute an absolute bar to the petitioner's participation in the NRI counselling process, particularly when the proposed sponsor is admittedly the maternal uncle of the petitioner and has undertaken to bear his educational expenses.

15. In view of the aforesaid facts and circumstances, I am satisfied that there exists a *prima facie* case, the balance of convenience lies in favour of the petitioner.

16. The petitioner has secured the requisite marks in the NEET-UG 2026 examination. If he is not permitted to participate in the ongoing counselling process and is ultimately found entitled to admission under the NRI quota, the opportunity lost in the intervening period may not be capable of being adequately compensated in monetary terms, thereby causing irreparable loss and injury to the petitioner.



17. Accordingly, subject to the petitioner furnishing an affidavit of the proposed sponsor, along with sufficient documentary proof demonstrating his financial capacity to bear the educational expenses of the petitioner, the respondents are directed to permit the petitioner to participate in the ongoing counselling process under the NRI quota. Needless to state, such participation shall be subject to the final outcome of the present petition.

18. List on 09.09.2026.

19. *Dasti* under the signature of Court Master.

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20. List on 09.09.2026.

JASMEET SINGH, J

SEPTEMBER 8, 2026/NR