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

CNR No. DLHC010446632026

+ **W.P.(C) 13770/2026 & CM APPL. 64345/2026**

ASHWIKA SINGHAL

.....Petitioner

Through: Ms. Archana Surve Shinde, Adv
versus

UNION OF INDIA THROUGH SECRETARY & ORS.

.....Respondent

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

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

% **18.09.2026**

CM APPL. 64346/2026

Exemption allowed, subject to all just exceptions.

The application is allowed.

W.P.(C) 13770/2026

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers :-

“a. Issue a Writ in the nature of Certiorari or any other Writ/order/direction declaring that. the requirement of production of certificate/documentary proof of guardianship under the Guardians and Wards Act, 1890, as contained in Notice dated 27.05.2026 Ref. U-11011/07/2025-MEC] issued by Medical Counselling



Committee, is not applicable to the Petitioner, being a major;

b. Issue a Writ in the nature of Mandamus or any other Writ/order/direction directing Respondent No. 2/Medical Counselling Committee to allow the Petitioner to participate in Round 3 of the NEET (UG) 2026 Online Counselling under the NRI Quota, and to complete her admission process in accordance with law;

c. Pass ad-interim and interim orders/directions in terms of prayer (b) above, pending final disposal of the present Writ Petition....”

2. For the reasons stated in the petition, issue notice.
3. Ms. Rudy, learned CGSC, accepts notice on behalf of the respondents, seeks and is granted time to obtain instructions/file a reply before the next date of hearing.
4. List on 12.10.2026.

CM APPL. 64345/2026

5. This is an application filed under Section 151 of CPC, 1908 seeking interim relief.
6. For the reasons stated in the application, issue notice.
7. Ms. Rudy, learned CGSC accepts notice on behalf of the respondents, seeks and is granted time to obtain instructions/ file a reply before the next date of hearing.
8. 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**”). The petitioner sought admission in medical (allied) courses



under the 15% NRI Quota. She is being sponsored by her maternal uncle, being her nearest relative, who is an Overseas Citizen of India/NRI and is settled in Australia. The petitioner has been largely supported in her life by her maternal uncle after she lost her father in 2023.

9. The petitioner uploaded/submitted all the required documents to prove that the said guardian, i.e. her maternal uncle, 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.***

10. 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.

11. The petitioner, in the present case, is aggrieved by the impugned notification bearing Ref. No. 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 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)

12. Ms. Shinde, 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 which reads as under:-

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

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

13. 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 to which the minor belongs”

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

15. Learned counsel of the petitioner has also drawn my attention to the date of birth of the petitioner which is stated to be 21.12.2007. The petitioner, in the present case, has crossed the age of 18 years.

16. 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.

17. 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.

18. List on 12.10.2026.

JASMEET SINGH, J

SEPTEMBER 18, 2026/NR