



CNR: KAHC020157512026

NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

AND

THE HON'BLE MRS JUSTICE HEMA KULKARNI

WRIT PETITION NO. 107372 OF 2026 (EDN-RES)

BETWEEN:

JUHI D/O. DEEPAK KATWA,
AGE: 18 YEARS, OCC: STUDENT,
R/O: ANUSUYA NIWAS, 2ND CROSS,
ADARSH NAGAR, BELAGAVI - 590 005,
(NEET (UG) 2026 ROLL NO. 2701201320
REG: 260410449264.

...PETITIONER

(BY SRI. DEEPAK C. MAGANUR, ADVOCATE)

AND:

1. UNION OF INDIA BY
SECRETARY MINISTRY OF
HEALTH AND FAMILY WELFARE,
NIRMAN BHAWAN,
NEW DELHI - 110 011.
2. MEDICAL COUNSELLING COMMITTEE (MCC)
BY ITS DIRECTORATE
GENERAL OF HEALTH SERVICES,
MINISTRY OF HEALTH AND FAMILY
WELFARE GOT OF INIDA, ROOM NO.354,
NIRMAN BHAWAN, AND
NEW DELHI - 110 011.
3. NATIONAL TESTING AGENCY BY ITS SECRETARY
R/O.1ST FLOOR, NSIC MDBP BUILDING OKHLA
INDUSTRIAL ESTATE, NEW DELHI - 110 020.
4. NATIONAL MEDICAL COMMISSION
BY ITS SECRETARY,
R/O: POCKET - 14, SECTOR - 8,





CNR: KAHC020157512026

NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026

DWARKA PHASE - I,
NEW DELHI - 110 077.

5. KARNATAKA PARAKISHA PRADYAKA
(KARNATAKA EXAMINATION AUTHORITY),
R/O: SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BENGALURU - 560 012.

...RESPONDENTS

(BY SRI. MRUTYUNJAY S. HALLIKERI, ADVOCATE FOR R1 TO R3;
SRI. ANOOP DESHPANDE, ADVOCATE FOR R4;
SMT. SURABHI KULKARNI, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF MANDAMUS OR ANY OTHER APPROPRIATE WRIT ORDER OR DIRECTION DECLARING THAT THE PETITIONER'S OBC (NON CREAMY LAYER) /2A CATEGORY STATUS, BEING A MATTER OF BIRTH AND STATUTORY CERTIFICATION, STANDS UNAFFECTED AND AVAILABLE TO HER FOR ALL AIQ/STATE QUOTA. RESERVED SEATS IN THE SAID COUNSELLING PROCESS, REGARDLESS OF HER HAVING BEEN APPLIED AS NRI (SPONSORED) CANDIDATE VIDE ANNEXURE-A. NEET-UG (MBBS/BDS/B.SC. NURSING) COUNSELLING 2026. TO ISSUE APPROPRIATE WRIT/ORDER MODIFYING ANNEXURE-A1. (NOTICE DATED 27.05.2026 REF. U-11011/07/2025-MEC) AS NOT APPLICABLE TO CANDIDATES WHO COMPLETED 18 YEARS OF AGE. TO DIRECT THE RESPONDENT/ TO PERMIT THE PETITIONER TO PARTICIPATE IN THE ENSUING/REMAINING ROUNDS OF NEET (UG) 2026 COUNSELLING UNDER THE NRI (SPONSORED) CATEGORY ON THE STRENGTH OF SPONSORSHIP OF HER PATERNAL AUNT, TREATING HER APPLICATION DATED 10TH AUGUST 2026 (NRI OPTION) AS VALID AND OPERATIVE FOR THAT LIMITED PURPOSE, NOTWITHSTANDING THE SUBSEQUENT RE-FILING UNDERTAKEN UNDER COMPULSION VIDE ANNEXURE-C AND ETC.

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.NAGAPRASANNA
AND
HON'BLE MRS JUSTICE HEMA KULKARNI



CNR: KAHC020157512026

**NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026**

ORAL ORDER

(PER: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**)

The petitioner is before the Court seeking the following prayers:

- A) Issue a writ of mandamus or any other appropriate writ order or direction declaring that the petitioners OBC (Non-creamy Layer)/2A category status, being a matter of birth and statutory certification, stands unaffected and available to her for all AIQ/State quota. Reserved seats in the said counseling process, regardless of her having been applied as NRI (sponsored) candidate vide Annexure-A. NEET-UG(MBBS/BDS/B.Sc. Nursing) counseling 2026.
- B) Issue appropriate writ/order modifying Annexure-A1. (Notice dated 27.05.2026 Ref.U-11011/07/2025-MEC) as not applicable to candidates who completed 18 years of age.
- C) Direct the respondent to permit the petitioner to participate in the ensuing/remaining rounds of NEET (UG) 2026 counseling under the NRI (Sponsored) category on the strength of sponsorship of her paternal aunt, treating her application dated 10th August 2026 (NRI Option) as valid and operative for that limited purpose, notwithstanding the subsequent re-filing undertaken under compulsion vide Annexure-C.
- D) Any other order or direction this Hon'ble High Court deems fit be passed.

2. Heard Sri. Deepak C. Maganur, learned counsel appearing for the petitioner, Sri. Mrutyunjay S. Hallikeri, learned counsel appearing for respondent Nos.1 to 3, Sri.



**NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026**

CNR: KAHC020157512026

Anoop Deshpande, learned counsel appearing for respondent No.4 and Smt. Surabhi Kulkarni, learned counsel appearing for respondent No.5.

3. A co-ordinate Bench of this Court on 01.09.2026 had passed the following order:

"Sri. Mrytyunjay S. Hallikeri, learned counsel undertakes to appear for respondent Nos.1 to 3. Sri. Anup Deshpande, learned counsel undertakes to appear for respondent No.4. Smt. Surabhi Kulkarni, learned counsel undertakes to appear on behalf of respondent No.5.

Sri. Deepak C. Maganur, learned counsel appearing on behalf of the petitioner is directed to serve one set of petition papers on the above said counsel appearing on behalf of the respondents."

The matter is moved for urgent hearing on the score that the counseling is going on and it would end today.

4. Learned counsel for the petitioner submits that the petitioner has sponsorship from a Non-Resident Indian ('NRI' for short) and is therefore claiming a seat in the MBBS-BDS Course in the NRI quota and is participating in the ongoing MBBS/BDS/B.Sc. Nursing counseling process. Learned counsel for the petitioner would submit that the petitioner is brought



under the 'General' category, whereas the petitioner belongs to the Other Backward Classes ('OBC') category.

5. The learned counsel for respondent Nos.1 to 3, Sri. Mrutyunjay S. Hallikeri submits that the petitioner does not even have the basic percentage to be considered under the NRI quota, as the petitioner has secured only 48.33%.

6. The petition is preferred on the score that, under the NRI quota, there should be reservation either to the OBC category or to any other category, and the petitioner cannot be brought under the General category. Therefore, if the petitioner is not allowed to avail reservation under the OBC category, it would deny the petitioner a seat. The said submission is noted only to be rejected.

7. The NRI quota is a separate quota and 15% of the seats are reserved for NRIs. The nuances of such reservation are found in the brochure that is notified in terms of law, which clearly indicates that NRI can only be under the unreserved category. It becomes apposite to notice Frequently Asked



**NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026**

CNR: KAHC020157512026

Question No.36 of the NEET-UG (MBBS/BDS/B.Sc. Nursing) COUNSELLING 2026 Information Bulletin and Counselling Scheme, which observes that NRI candidates would be shown seats reserved for the NRI category and that one candidate can opt only for one type of reservation. It reads as follows:

"Q. No. 36: Will NRI/OCI/PIO Candidate be shown seats reserved for other categories?

Ans: NRI/OCI/PIO candidates will be shown seats reserved for NRI category and General Seats of All India Quota and Seats of Deemed Universities. One Candidate can only opt for one type of reservation."

(Emphasis added)

With this being the case, the petitioner is wanting us to interpret that the reservation of either SC/ST/OBC or otherwise should be straight away made applicable even to the NRI, so that the petitioner could get in under the NRI-OBC category. This submission is *sans* countenance in the light of the petitioner not only not crossing the threshold bar of the marks required to be obtained under the NRI quota, which is unreserved, but also the petitioner cannot now want us to interpret that the NRI quota should now be addressed with a reservation for her to get into the counseling.



CNR: KAHC020157512026

NC: 2026:KHC-D:14973-DB
WP No. 107372 of 2026

8. Finding no merit in the petition, the petition stands
rejected.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

**Sd/-
(HEMA KULKARNI)
JUDGE**

JTR/CT: ASC
List No.: 3 Sl No.: 1