

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF NOVEMBER, 2021

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

WRIT PETITION NO.11504/2021(EDN-RES)

C/W

**WRIT PETITION NOS. 11066/2021 (EDN-CET),
11369/2021(EDN-RES), 11951/2021(EDN-RES),
12071/2021(EDN-RES), 12074/2021(EDN-RES),
12136/2021(EDN-RES), 12244/2021(EDN-RES),
12247/2021(EDN-CET), 12248/2021(EDN-CET),
12249/2021(EDN-RES), 12337/2021(EDN-RES),
12413/2021(EDN-CET), 12418/2021(EDN-CET),
12419/2021(EDN-CET), 12509/2021(EDN-CET),
12722/2021(EDN-CET), 12849/2021(EDN-CET),
12986/2021(EDN-RES), 13081/2021(EDN-CET),
13091/2021(EDN-CET), 13444/2021(EDN-RES),
16993/2021(EDN-RES), 17127/2021(EDN-RES)**

IN W.P.No.11504/2021:

BETWEEN:

1. ALEKHYA PONNEKANTI
D/O. VENKATA NAGESWARA RAO PONNEKANTI,
L-3-6, PARAMOUNT RAGHAVENDRA APARTMENTS,
42-6, KUNDALAHALLI GATE,
BENGALURU 560 037.
2. HRISHIKESH SUDARSHAN JAHAGIRDAR
S/O. SUDARSHAN JAHAGIRDAR,
NO. 9, 1ST MAIN ROAD, SV LAYOUT,
BHOOPASANDRA,
BENGALURU 560094.

...PETITIONERS

(BY SRI. AJOY KUMAR PATIL, ADVOCATE)

AND:

1. UNION OF INDIA,

- REP BY ITS SECRETARY TO
GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI 110 001.
2. THE STATE OF KARNATAKA
REP BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560 001
3. KARNATAKA EXAMINATIONS AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU 560 012.
REP BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. SHIVAKUMAR, CGC FOR R1;
SRI.N.K. RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA
MINISTRY OF HOME AFFAIRS AT ANNEXURE-A IN S.O.
1050(E) DTD.4.3.2021 AND ETC.

IN W.P.No.11066/2021:

BETWEEN:

1. MR. DHRUV PALASAMUDRAM,
S/O MR. DEEPAK PALASAMUDRAM,
AGED ABOUT 18 YEARS,
39, 4TH MAIN, 2ND CROSS,
VIJAYA BANK LAYOUT,
BENGALURU 560 076.
2. MR. ARVIND S
S/O MR. SIVASUBRAMANIAN V BALAKRISHNAN,
AGED ABOUT 18 YEARS,
C 501, MANTRI TRANQUIL,
GUBBALALA, OFF KANAKAPURA ROAD,
BANGALORE 560 061.

3. MS. ADITI LUDHANI
D/O MR. KISHROE LUDHANI
AGED ABOUT 18 YEARS
A-1802, MANTRI SERENITY
DODDAKALLASANDRA
KANAKAPURA ROAD
BANGALORE 560 062.
4. MS. DHARSHINI VENKTESAN,
D/O MRS. SANTHANA LAKSHMI S,
AGED ABOUT 18 YEARS,
203, 19TH BLOCK,
MANTRI RESIDENCY,
BANNERGHATTA ROAD,
BANGALORE 560 076.
5. MS. SHREYA SAVADATTI,
D/O MR. GIRISH SAVADATTI,
AGED ABOUT 17 YEARS,
ZENITH RESIDENCES C 504,
NAGAWARA, BANGALORE 560 045.
REPRESENTED BY FATHER
MR. GIRISH SAVADATTI.
6. MS. ADITHI K C,
D/O CHANNAKESHAVA K C,
AGED ABOUT 18 YEARS,
385, 1ST FLOOR, 7TH CROSS,
NEETHA MARGA,
SIDDARTHA LAYOUT, KC LAYOUT,
MYSORE 570 011.
7. MS. RAJESHWARI GANAPATHY,
D/O MRS. MAMATHA R,
AGED ABOUT 17 YEARS,
298, 7TH MAIN, CQAL LAYOUT,
SAHAKARANAGAR,
BENGALURU 560 092.
REPRESENTED BY MOTHER
MRS. MAMATHA R
8. MR. SHREYAS AVANEESH AKILI,
S/O MR. SREENIVAS AKILI,
AGED ABOUT 17 YEARS,
REA 304, PURVA RIVIERA APTS,

- AIRPORT VARTHUR ROAD,
MARATHAHALLI, BANGALORE 560 037.
REPRESENTED BY FATHER
MR. SREENIVAS AKILI
9. MR. PRANETA MAHAWAR,
S/O MR. HEMANT MAHAWAR ,
AGED ABOUT 18 YEARS,
A-202 SLS SUNFLOWER,
SY 127/1, BOGANAHALLI ROAD,
MARATHAHALLI OUTER RING ROAD,
BANGALORE 560 103.
10. MR. SHREYAS GOPISHETTY,
S/O MR. ANAND NAGESH KAGALKAR,
AGED ABOUT 18 YEARS,
1330, 21A MAIN, 11TH CROSS,
SECTOR-1, HSR LAYOUT,
BANGALORE 560 102.
11. MS. NEETHARIKA SUMAN ANAND,
D/O MR. ANAND NAGESH KAGALKAR,
AGED ABOUT 18 YEARS
85, SEVENTH MAIN,
7TH CROSS, JP NAGAR THIRD PHASE,
BANGALORE 560 078.
12. MR. SIDDHARTH WARRIER,
S/O MR. NANDIKKARA DINESH WARRIER,
AGED ABOUT 18 YEARS,
5104, NANDI PARK,
BANNERGHATTA ROAD,
BANGALORE 560083.
13. MS. EMILY PALLAN,
D/O MR. JOSSY PALLAN,
AGED ABOUT 18 YEARS,
1072, SOBHA CINNAMON,
SILVER COUNTRY ROAD,
OFF HARLUR ROAD, SINGASANDRA,
BANGALORE 560 068.
14. MS. SANJANA MAHESH,
D/O MR. MAHESH RAJESHWARAI AH,
AGED ABOUT 18 YEARS,
23, 5TH CROSS, AECS LAYOUT,

1ST STAGE, SANJAYNAGAR,
RMV 2ND STAGE,
BANGALORE 560 094.

15. MR. HIMANISH VONGOLE,
S/O MR. NARESH KUMAR VONGOLE,
AGED ABOUT 18 YEARS,
251, RELIAABLE LIFESTYLE,
HARALUR, BANGALORE 560 102.
16. MS. ADITYA AGADI,
S/O MR. HARISH AGADI,
AGED ABOUT 18 YEARS,
1016, A BLOCK,
KOMARLA BRIGADE RESIDENCY,
UTTARAHALLI MAIN ROAD,
NEAR SHANI TEMPLE,
CHIKKALASANDRA,
BANGALORE 560 061.
17. MS. SADHANA WARRIER,
D/O MR. NANDIKKARA DINESYH WARRIER,
AGED ABOUT 18 YEARS,
5104, NANDI PARK, BANNERGHATTA ROAD,
BANGALORE 560 083.
18. MS. SAIVIDYA SIVASANKAR
S/O MR. SIVASANKAR BAALASUBRAMANIAN
AGED ABOUT 18 YEARS
8014, SOBHA DAFFODIL, 27TH MAIN,
HSR LAYOUT, SECTOR 2,
BANGLAORE 560 102.
19. MR. MONISH SRINIVASULU
S/O MR. ROOPASHREE KRISHNAPPA
AGED ABOUT 17 YEARS
153, 6TH CROSS, TEACHERS COLONY
BANASHANKARI 2ND STAGE
BANGALORE 560 070.
REPRESENTED BY MOTHER
MRS. ROOPASHREE KRISHNAPPA
20. MR. AKHIL SRINIVASAN,
S/O MR. SRINIVASAN VIJAYARAGHAVAN,
AGED ABOUT 18 YEARS,

E706, MANTRI TRANQUIL APARTMENTS,
GUBBALALA VILLAGE,
OFF KANAKAPURA ROAD,
BANGALORE 560 061.

...PETITIONERS

(BY SRI. NITIN R, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH PRINCIPAL SECRETARY
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE 560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY,
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BANGALORE 560 012.
3. UNION OF INDIA THROUGH MINISTRY OF
HOME AFFAIRS,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK,
NEW DELHI - 110 001.

... RESPONDENTS

(BY SRI. N.K. RAMESH, ADVOCATE FOR R2;
SRI.M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DATED 14.06.2021 AS UNTENABLE IN LAW, IN
SO FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED
OCI CHILDREN WITH INDIAN CITIZENS IN ALL MATTERS OF
ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA
FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR
2021-2022, VIDE ANNEXURE-X AND ETC.

IN W.P.No.11369/2021:

BETWEEN:

1. MS. SHWETA BALA THIAGARAJAN,
D/O MR BALAKRISHNAN THIAGARAJAN,
AGED ABOUT 17 YEARS,
A1-113 SOBHA MORZARIA APTS,
BANNERGHATTA ROAD,
BANGALORE-560 029.
REPRESENTED BY FATHER
BALAKRISHNAN THIAGARAJAN.
2. MS. SHEENA JOSEPH,
D/O MR JOSEPH GNANAKKAN RAJAMANI,
AGED ABOUT 18 YEARS,
FLAT NO.103, GOPALAN GARDENIA APTS,
VERASANDRA, HOSUR MAIN ROAD,
ELECTRONIC CITY,
BANGALORE-560 100.
3. MR. NITISH REDDY LINGALA,
S/O MR VIJAYKUMAR REDDY LINGALA,
AGED ABOUT 17 YEARS,
500, 9TH A MAIN, 8TH CROSS,
BEML LAYOUT, ITPL ROAD,
NEAR KUNDALAHALLI GATE,
BANGALORE-560 066.
REPRESENTED BY FATHER
MR VIJAYKUMAR REDDY LINGALA.
4. MR. PRANAV ANAND LEELARAM,
S/O MRS SOUMYA ANAND LEELARAM,
AGED ABOUT 17 YEARS,
101 BEERESHWARA NAGAR MAIN ROAD,
ELITA PROMENADE, A10, G-02,
7TH PHASE, J P NAGAR,
BANGALORE-560 078.
REPRESENTED BY MOTHER
SOUMYA ANAND LEELARAM.
5. MS NANDURI SREE DIVYA,
D/O M R NANDURI ANANTHARAMAN,
AGED ABOUT 18 YEARS,
K1606, BRIGADE METROPOLIS,

GARUDACHARPALYA, BANGALORE-560 048.

6. MR. SRIJAN BADHYA,
S/O MRS SHRILATHA AKKADKA NARASIMHA,
AGED ABOUT 17 YEARS,
NO.446, 7TH CROSS,
NEAR MADHAVAN PARK, JAYANAGAR,
BANGALORE-560 011.
REPRESENTED BY MOTHER
MRS SHRILATHA AKKADKA NARASIMHA.
7. MS. MANASA MADHUKAR KORATAGERE,
D/O MR MADHUKAR SUBBARAO KORATAGERE,
AGED ABOUT 18 YEARS,
NO.773, 5TH A CROSS,
BSK 1ST STAGE, 2ND BLOCK,
BANGALORE-560 050.
8. MS. MANSI SINGH MAINPUR,
D/O MR ESWARSINGH MAINPUR,
AGED ABOUT 17 YEARS,
26, AZVEN BREATHE,
THYAVAKANAHALLI, SARJAPURA,
BANGALORE,
KARNATAKA-562 125,
REPRESENTED BY MOTHER
MRS ANURADHA B.
9. R KUNJETI DHARANIDHAR GUPTA,
S/O M R KUNJETI VARAPRASAD GUPTA,
AGED ABOUT 18 YEARS,
531, 9TH CROSS, MCECHS LAYOUT,
DR SHIVARAMKARANTH NAGAR,
BANGALORE, KARNATAKA-560 077.
10. MS. SRINIDHI MEENAKSHI RAMASAMY,
D/O MR RAMASAMY SUBRAMNIAN,
AGED ABOUT 17 YEARS,
S 203, MAYFLOWER (TOWER 7),
ADARSH PALM RETREAT PHASE 3 APARTMENTS,
DEVARABEESANAHALLI,
BANGALORE-560 103,
REPRESENTED BY FATHER
MR RAMASAMY SUBRAMANIAN.

11. MS. PRANJALI GUDDAPA SAJJAN,
D/O MR GUDDAPPA BASALINGAPPA SAJJAN,
AGED ABOUT 18 YEARS,
BDA LAYOUT, 9TH BLOCK, 2ND STAGE,
2ND CROSS, NAGARBHAVI,
BANGALORE-560 072.
12. MR. NISHITH EEDULA
S/O MR. EEDULA KARUNAKAR
AGED ABOUT 18 YEARS
611, 4TH C MAIN, OMBR LAYOUT
BANASWADI
BANGALORE-560 043.
13. MS. ANKITA VENKATA MANDALAM,
D/O M R SREENIVAS VENKATA MANDALAM,
AGED ABOUT 18 YEARS,
221, SOBHA QUARTZ,
BELLANDHUR ORR,
BANGALORE-560 103.
14. MR. NEELESH THONSE RAO,
S/O MR SURESH RAO,
AGED ABOUT 18 YEARS,
NO.1605, APT NO.4, 2ND FLOOR,
25TH A MAIN, 23RD CROSS, SECTOR 2,
HSR LAYOUT,
BANGALORE-560 102.
15. MS. VINITA VISHWANATH BHAT,
D/O MR VISHWANATH BHAT,
AGED ABOUT 18 YEARS,
PLOT NO.29, 1ST MAIN,
RADHAKRISHNA NAGAR,
DHARWAD,
KARNATAKA-580 003.
16. MR. SACHIN CHANDRASEKHAR,
S/O MR CHANDRASEKHAR RAMASWAMY,
AGED ABOUT 18 YEARS,
3J112, KRISTAL JASPER,
KASAVANAHALLI,
BANGALORE-560 035.

17. MS. DHIKSHA RATHIS,
D/O MR RATHIS RAMANATHAN,
AGED ABOUT 17 YEARS,
1158, 2ND CROSS, HAL 3RD STAGE,
NEW THIPPASANDRA,
BANGALORE-560 075.
REPRESENTED BY FATHER
MR RATHIS RAMANATHAN.
18. MR. TARUN GHORPADE,
S/O MR. THANAJI RAO SURESH RAO GHORPADE,
AGED ABOUT 18 YEARS,
3053, SOBHA FOREST VIEW,
BANGALORE-560 062.
19. MR. ABHINAV SOMISETTY,
S/O MR. HARISH KUMAR SOMISETTY,
AGED ABOUT 18 YEARS,
855, 2ND MAIN, C BLOCK, AECS LAYOUT,
BANGALORE-560 037.
20. MS. VIBHA HUGAR
D/O RESHMA HUGAR
AGED ABOUT 17 YEARS
112, VASTHU ENCLAVE, 1ST CROSS
NEAR GANESH TEMPLE, KUDLU
BANGALORE-560 068.
21. MR. OMKAR PRASAD PEDDAMATHAM,
S/O MR. PRASAD SAKTHIVARA PEDDAMATHAM,
AGED ABOUT 18 YEARS,
STERLING TERRACES, APT A 304,
100 FT RING ROAD, BSK 3RD STAGE,
BANGALORE-560 085.
22. MS. SAMYUKTA SANTOSH CHINIVAR,
D/O MR. SANTOSH GANESH CHINIVAR,
AGED ABOUT 17 YEARS,
143/28, 10TH MAIN, SRINAGAR,
BANASHANKARI 1ST STAGE,
BANGALORE-560 050.
REPRESENTED BY FATHER
MR SANTOSH GANESH CHINIVAR.
23. MR. SAYED MOHAMMED AAMIR TYAGDAL,
S/O MR. SIRAJUDDIN TYAGDAL,

AGED ABOUT 17 YEARS,
NO.6, 1ST FLOOR, 14TH WARD,
KHB COLONY, SANDUR,
BELLARY (DIST.)-583 119.
REPRESENTED BY FATHER
MR SIRAJUDDIN TYAGDAL.

...PETITIONERS

(BY SRI. NITIN R, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
THROUGH PRINCIPAL SECRETARY
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BANGALORE-560 012.
3. UNION OF INDIA THROUGH MINISTRY
OF HOME AFFAIRS,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK,
NEW DELHI - 110 001.

...RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R1;
SRI. N.K.RAMESH, ADVOCATE FOR R2;
SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R3)

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FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED OCI
CHILDREN WITH INDIAN CITIZENS IN ALL MATTERS OF ENTRY
AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA FOR
THE PROFESSIONAL COURSES STARTING FROM THE YEAR
2021-2022 VIDE ANNEXURE-AA AND ETC.

IN W.P.NO.11951/2021:

BETWEEN:

1. MR. ASHWIN SRIDHAR,
S/O MR.SRIDHAR SACHIDANANDAM.
AGED ABOUT 18 YEARS,
2G WEST, KLASSIK BENCHMARK APTS,
KALENA AGRAHARA, B G ROAD,
BANGALORE – 560 076.
2. MS. KAVINI SARAVANAN,
D/O MR. SARAVANAN SADASIVAM,
AGED ABOUT 18 YEARS,
1043, CASA SERENITA,
SOBHA CITY,
THANISANDRA MAIN ROAD,
BANGALORE – 560 077.
3. MS. AKSHARA ARAVINDA,
D/O MRS. ASHWINI SUBHASH,
AGED ABOUT 17 YEARS,
106/2, LAKESHORE HOMES,
KASAVANAHALLI, OFF SARJAPUR ROAD,
BANGALORE – 560 035.
REPRESENTED BY MOTHER
MRS. ASHWINI SUBHASH.
4. MR.EMIL JIJU JOSEPH,
S/O MR. JIJU JOSEPH,
AGED ABOUT 18 YEARS,
C2-405, SOUTH CITY,
AREKERE MICO LAYOUT,
B G ROAD,
BANGALORE – 560 076.
5. MS. SHARANYA RAMESH SWAMINATHAN,
D/O MR. RAMESH SWAMINTHAN,
AGED ABOUT 18 YEARS,
4014, CASA PARADISO,
SOBHA CITY, HEGDE NAGAR,
BANGALORE – 560 077.
6. MS. NIKHITA INAMDAR,
D/O MR. SURESH INAMDAR,

- AGED ABOUT 18 YEARS,
38, 2ND MAIN, 1ST CROSS,
CHINAPPA LAYOUT,
HEBBAL KEMPAPURA,
BANGALORE – 560 024.
7. MS. SONAKSHI AVINASH BADLANI,
D/O MR.AVINASH LACHHMANDAS,
AGED ABOUT 18 YEARS,
FLAT 3B, ANITYA APT NO.55,
MARUTHI LAYOUT,
KODIGEHALLI THINDLU ROAD,
VIRUPAKSHAPURA,
BANGALORE – 560 097.
8. MS. NISHA AMARNATH BYSANI,
D/O MR. AMARNATH BYSANI VENKATARANGIAH,
AGED ABOUT 17 YEARS,
209, 3RD FLOOR, 11TH MAIN,
LAKEDEW RESIDENCY LAYOUT,
HARLUR ROAD, BANGALORE,
KARNATAKA – 560 102.
REPRESENTED BY FATHER
MR. AMARNATH BYSANI VENKATARANGIAH.
9. MR. ADITYA MALLIKARJUN TUPPAD,
S/O MR.MALLIKARJUN SHIVAPPA TUPPAD,
AGED ABOUT 18 YEARS,
99, OMKAR NILAYA,
SHIRUR PART 1ST STAGE,
VIDYANAGAR,
HUBLI – 580 021.
10. MR. HARIKESHAV SHEKAR,
S/O CHANDRA SHEKAR,
AGED ABOUT 18 YEARS,
AUDARYA NILAYA, 1ST MAIN, 2ND CROSS,
SHANKARACHARYA ROAD,
VIDYA NAGAR,
HASSAN – 573 202.
11. MR. ARVIN ARUN NOOLI,
S/O MR. ARUN BALACHANDRA NOOLI,
AGED ABOUT 18 YEARS,
#326, 4TH A CROSS,

OMBR LAYOUT,
BANGALORE – 560 043.

12. MR. SONIT SAI REDDY VASIPALLI,
S/O MR.RAGHURAMI REDDY VASIPALLI,
AGED ABOUT 18 YEARS,
C-406, MANTRI TRANQUIL,
GUBBALA, KANAKAPURA ROAD,
BANGALORE – 560 062.
13. MS. SRAVYA VISHNUBHATLA,
D/O MR.KIRANKUMAR VISHNUBHATLA,
AGED ABOUT 18 YEARS,
NO.132, RELIAABLE LIFESTYLE LAYOUT,
HARALURU, BANGALORE – 560 102.
14. MS. KESHNA TRIVEDI,
D/O LEENA MOOLYA,
AGED ABOUT 17 YEARS,
C-607, SURABHI APT,
RANKA COLONY ROAD,
BANGALORE – 560 076.
REPRESENTED BY MOTHER LEENA MOOLYA.
15. MS. VARUNA BANDARGAL,
D/O MR. DEEPAK SIDDAPPA BANDARGAL,
AGED ABOUT 18 YEARS,
BA 1801, SALARPURIA GREENAGE APARTMENTS,
HOSUR ROAD, BOMMANAHALLI,
BANGALORE - 560 068.
16. MS. GAYATHRI SAI PRABHAKARAN,
D/O MR.ERODE N PRABHAKARAN,
AGED ABOUT 18 YEARS,
EV-C02, VIGYANPURA IISC CAMPUS,
ISPO ROAD, BANGALORE – 560 094.
17. MS. HARSHITHA REDDY THODATHARA,
D/O INDUKURU KALPANA,
AGED ABOUT 17 YEARS,
FLAT #103, SHELL OWNERS COURT EAST LAYOUT,
JUNNASANDRA, KASAVANAHALLI,
BANGALORE – 560 035.
REPRESENTED BY MOTHER
INDUKURU KALPANA.

18. MS. JANANI SUVARTHA AMBUGA,
D/O ANANTHA RANGA AMBUGA,
AGED ABOUT 18 YEARS,
NO.20, HARISUMAM,
11TH MAIN, 12TH CROSS,
CQAL LAYOUT, SAHAKARNAGAR,
BANGALORE – 560 092.
19. MS. AISIRI SUNIL PATIL,
D/O MR. SUNILDATTA SURESHRAO PATIL,
AGED ABOUT 17 YEARS,
6135, PRESTIGE SHANTINIKETAN,
ITPL MAIN ROAD, WHITEFIELD,
BANGALORE – 560 048.
REPRESENTED BY FATHER
SUNIDATTA SURESHRAO PATIL.
20. MR. ADITYA SAI PRANAV PADKANTI,
S/O MR. VENU MADHAV PADKANTI,
AGED ABOUT 18 YEARS,
NO.105, VARS FERNDAL APARTMENTS,
1ST MAIN ROAD, KODIHALLI,
HAL II STAGE,
BANGALORE – 560 008.
21. MR. SANAT KRISHNAPUR,
S/O MR. SANDEEF KRISHNAPUR,
AGED ABOUT 18 YEARS,
NO.44, 5TH CROSS, MILK COLONY,
MALLESHWARAM WEST,
BANGALORE – 560 055.
22. MR. MADHAV MURALI,
S/O MR. NAMAKKAL MURALI KRISHNAN,
AGED ABOUT 18 YEARS,
NO 3074, SOBHA DAHLIA,
GREENGLEN LAYOUT, BELLANDUR,
BANGALORE – 560 103.
23. MR. SHREYAS SUDHIR PATIL,
S/O MR. SUDHIR PATIL,
AGED ABOUT 18 YEARS,
F 403, CONCORDE MANHATTAN APARTMENTS,
PHASE –I , ELECTRONIC CITY,
BANGALORE – 560 100.

24. MR. SUCHET MAHESWARAM,
S/O MR. SURYA PRAKASH MAHESWARAM,
AGED ABOUT 17 YEARS,
A-304, AKME BALLET, DODDANAKUNDI,
BANGALORE – 560 037.

25. MR. GANESHA GOSIKERE MATTA,
S/O MR. SHASHIDHARA GOSIKERE MATTA,
AGED ABOUT 18 YEARS,
FLAT 16024, TOWER 16,
PRESTIGE SHANTINIKETAN,
ITPL MAIN ROAD, WHITFIELD,
BANGALORE – 560 048.

...PETITIONERS

(BY SRI. NITIN R, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH PRINCIPAL SECRETARY
TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE – 560 001.

2. KARNATAKA EXAMINATIONS AUTHORITY,
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BANGALORE - 560 012.

3. UNION OF INDIA,
THROUGH MINISTRY OF HOME AFFAIRS,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK, NEW DELHI – 110 001.

...RESPONDENTS

(BY SRI. N.K.RAMESH, ADVOCATE FOR R2;
SRI.M.B. NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DTD.14.6.2021 AS UNTENABLE IN LAW IN SO
FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILES OCI

CHILDREN WITH INDIAN CITIZENS IN ALL MATTERS OF ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR 2021-2022 VIDE ANNEXURE-AC AND ETC.

IN W.P.No.12071/2021:

BETWEEN:

1. NIKHITA BHASKAR GOWDA,
D/O BHASKAR G,
AGED ABOUT 18 YEARS,
R/AT NO.569 11TH MAIN ROAD,
LALITH MAHAL NAGAR,
MYSURU-570 011.
2. SAMAHITHA RAJEEVALOCHANA,
S/O RAJEEVALOCHANA G N,
AGED ABOUT 18 YEARS,
R/AT NO.0/1, PADMASHREE,
IST B CROSS, 5TH BLOCK,
K KRISHNAIAH LAYOUT,
BANASHANKARI III STAGE,
BENGALURU-560 085.
3. JOHN J J GNANASEELAN,
S/O GNANASEELAN JEBASITHER,
AGED ABOUT 17 YEARS (MINOR),
R/AT NO.1227, EBENEZER VILLA,
3RD MAIN, DR AMBEDKAR LAYOUT,
KAVAL BYRASANDRA,
BENGALURU-560 032,
REP BY HIS MOTHER AND NATURAL GUARDIAN,
SMT EBENEZER WISEY CHELLAM.
4. SURAJ RAO,
SRI. SANDEEP RAO,
AGED ABOUT 17 YEARS, (MINOR),
R/AT NO.129, MAPLE A,
PRESTIGE GREENWOOD PARTMENTS.
8/9 NAGAVARA PALYA MAIN ROAD,
C V RAMAN NAGAR BENGALURU-560 093.
REP BY HIS FATHER AND NATURAL GUARDIAN
SRI. SANDEEP RAO.

5. NAMITA HANSRAJ PATIL,
S/O HANSRAJ M PATIL,
AGED ABOUT 17 YEARS, (MINOR)
R/AT NO.634, EMBASSY PRISTINE,
SARJPURA OUTER RING ROAD IBLUR,
BELLANDUR, BENGALURU-560 103.
REP BY HER FATHER AND NATURAL GUARDINA
SRI. HANSRAJ M PATIL.
6. ANURAAG BANDARU VENKATA,
S/O BANDARU VENKATA PRASANNA KUMAR,
AGED ABOUT 17 YEARS (MINOR),
R/AT NO.6, 5TH CROSS,
2ND MAIN ,CHAMUNDEWARI LAYOUT,
DODDABOMMASANDRA,
BENGALURU-560 097.
REP BY HIS FATHER AND NATURAL GUARDIAN
SRI. BANDARU VENKATA PRASANNA KUMAR.
7. NEHA JANARDHANA SWAMY,
SRI. JANARDHANA SWAMY,
AGED ABOUT 17 YEARS (MINOR)
R/AT NO.705, CROSS 13,
MAIN 32, J P NAGAR PHASE 1,
BENGALURU-560 078.
REP BY HER FATHER AND NATURAL GUARDIAN
SRI JANARDHANA SWAMY.
8. VIKAS SATRASALA
S/O SUDHAKAR VENKATA SATRASALA
AGED ABOUT 18 YEARS,
R/AT NO.2252, 4TH MAIN,
2ND CROSS, HAL 3RD STAGE EXTENSION,
VIMANAPURA,
BENGALURU-560017.
9. SHIREEN PRASAD,
D/O VINAY PRASAD,
AGED ABOUT 18 YEARS,
R/AT NO.A, 302,
MANTRI ELEGANCE,
BEHIND SHOPPER STOP,
N S PALYA, BANGALORE SOUTH,
BANNERGHATTA ROAD,
BANGALORE-560 076.

10. AMOGH DHARMAVARAM,
S/O PRASAD DHARMAVARAM,
AGED ABOUT 18 YEARS,
R/AT NO.54, RESERVOIR STREET,
NEAR NETKALAPPA CIRCLE,
BASAVANAGUDI,
BENGALURU-560 004.
11. SHUBHA SRIPRADA MASTI,
D/O SRI BALASUBRAMANYA NAGARAJA MASTI,
AGED ABOUT 18 YEARS,
R/AT NO.E-506, MANTRI ELEGANCE,
N S PALYA, BANNERGHATTA ROAD,
BENGALURU-560 076.
12. RICHA MUKTIBODH,
D/O SRI ROHIL MUKTIBODH,
AGED ABOUT 18 YEARS,
R/AT NO.A-1203,
MANTRI ELEGANCE, BANNERGHATTA ROAD,
NEAR SHOPPER SHOP,
N S PALYA, B T M 2ND STAGE,
BENGALURU SOUTH,
BENGALURU-560 076.
13. SHYAM KRISHNA SATEESH,
S/O SRI SATEESH SHEETHARAMAIAH,
AGED ABOUT 18 YEARS,
R/AT NO.5113, PRESTIGE SOUTH RIDGE,
HCSAKEREHALLI,
BANASHANKARI III STAGE,
BENGALURU-560 085.
14. ADITY T IYER,
S/O SRI TYAGARAJAN V IYER,
AGED ABOUT 18 YEARS,
R/AT NO.4131,
SOBHA FOREST VIEW 100 FT ROAD,
LINGADEERANAHALLI,
BENGALURU-560 062.
15. AVANEESH GUJRAN,
S/O SRI. NATARAJ GUJRAN,
AGED ABOUT 18 YEARS,

R/AT FLAT NO.B-1202,
MANTRI ELEGANCE, BANNERTHATTA ROAD,
N S PALYA BENGALURU-560 076.

16. JAYANTH JEFFREY,
S/O SRI. JEFFREY BAKTHAKUMAR,
AGED ABOUT 18 YEARS,
R/AT NO.211, ANSAL FORT APARTMENTS,
BOMMANAHALLI,
BENGALURU-560 068.

17. ANUSHKA SHANKAR,
D/O SRI. RAVISHANKAR B R,
AGED ABOUT 18 YEARS,
R/AT NO.85, 2ND MAIN ROAD,
BCMC LAYOUT RAGHUVANAHALLI,
KANAKAPURA MAIN ROAD,
BENGALURU-560 062.

...PETITIONERS

(BY SRI D VIJAYAKUMAR, ADVOCATE)

AND:

1. UNION OF INDIA,
REP BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK NEW DLEHI-110 001.

2. THE STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.

3. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD 18TH CROSS,
MALLESHWARAM,
BENGALURU-560 012.
REP BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI. DHYAN CHINNAPPA, AAG A/W

SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021 AND ETC.

IN W.P.No.12074/2021:

BETWEEN:

1. SPOORTHI SHIVAPRASAD,
AGED 18 YEARS,
D/O DV SHIVAPRASAD,
NO.196/2, GOKULAM, 2ND BLOCK,
7TH CROSS, 1ST FLOOR,
VISHWAPRIYA LAYOUT, BEGUR,
BENGALURU-560 068.
2. PRANAV CHINTHALA
AGED 18 YEARS,
S/O KC NAGABHUSHANA REDDY,
FLAT NO.406, BM LUXURIA APARTMENT,
25TH A CROSS, 24TH MAIN,
SECTOR 2, HSR LAYOUT,
BENGALURU-560 094.
3. PRERANA TEMKAR
AGED 18 YEARS,
D/O MANAMOHAN KUMAR TN,
428/10, SECTOR-A, 8TH A MAIN,
RAGHAVENDRA SWAMY TEMPLE ROAD,
YELAHANKA NEW TOWN,
BENGALURU-560 064.
4. MEHUL MOHAN SABOJI
AGED 18 YEARS,
S/O MOHAN SABOJI,
126, 8TH B MAIN, 3RD BLOCK(J BLOCK),
KORAMANGALA, BENGALURU-560 034.
5. RICHA KASHYAP
MINOR, AGED 17 YEARS,

D/O ARCHANA KASHYAP,
NO.2, VI CROSS, II PHASE,
MANJUNATHNAGAR, WOOCR,
BENGALURU-560 010.

...PETITIONERS

(BY SRI. AJOY KUMAR PATIL, ADVOCATE)

AND:

1. THE UNION OF INDIA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110 001.
2. THE STATE OF KARNATAKA
REPRESENTED BY PRINCIPAL
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS, MALLESWARAM,
BENGALURU-560 012.
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R1 UNION OF INDIA,
MINISTRY OF HOME AFFAIRS AT ANNEXURE-A IN
NO.S.O.1050(E) DATED 4TH MARCH 2021 AND ETC.

IN W.P.No.12136/2021:

BETWEEN:

VRISHANK SHANTKUMAR HIEMATH,
S/O.SRI.SHANTKUMAR HIEMATH,
AGED ABOUT 17 YEARS,(MINOR),
R/AT NO.800, VIJAY NILAYA,
6TH A MAIN, ISRO LAYOUT,
BENGALURU-560 078.
REP. BY HIS FATHER AND
NATURAL GUARDIAN,
SRI.SHANTKUMAR HIEMATH.

...PETITIONER

(BY SRI.D. VIJAYAKUMAR, ADVOCATE)

AND:

1. UNION OF INDIA
REP BY ITS SECRETARY,
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI 110 001.
2. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATIONS AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU 560 012,
REP. BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N K RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA
MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021
AND ETC.

IN W.P.No.12244/2021:

BETWEEN:

ROHAN PRASANNA REDDY
S/O PRASANNA GOPINATH
AGED ABOUT 17 YEARS,
RESIDING AT OLD NO.4, NEW NO.22,
NEW THIPPASANDRA MAIN ROAD,
NEAR NEW THIPPASANDRA POST,
OFFICE BANGALORE-560 075.
SINCE MINOR REPRESENTED
BY HIS NATURAL GUARDIAN
A FATHER I.E, PRASANNA GOPINATH

...PETITIONER

(BY SRI. SAMARTH PRAKASH, ADVOCATE)

AND:

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110 001.
2. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANASOUDHA ,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD 18TH CROSS,
MALLESWARAM BENGALURU-560 012.
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI. DHYAN CHINNAPPA, AAG A/W
SMT.PRAMODINI KISHAN, AGA FOR R2;
SRI.N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION DTD.4.3.2021 ISSUED BY THE R-1 PRODUCED AT ANNEXUR-N IN S.O.1050(E)AND ETC.

IN W.P.No.12247/2021:

BETWEEN:

MS. JESSENIA SARAH SYED,
D/O LATE ANJUM REZA SYED,
AGED ABOUT 17 YEARS,
PRESENTLY R/AT NO.130/8,
2ND CROSS, N.R.MAOHALLA,
MYSURU-570 007.
REP BY MOTHER AND NATURAL GUARDIAN
DR.HIFZA MAZHAR.

... PETITIONER

(BY SRI. BALAKRISHNA V, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
GOVERNMENT OF KARNATAKA,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. KARNATAKA EXAMINATION AUTHORITY,
GOVERNMENT OF KARNATAKA,
DEPARTMENT OF HIGHER EDUCATION,
SAMPAGI ROAD, 18TH CROSS,
MALLESWARAM,
BANGALORE-560 012.
BY ITS EXECUTIVE DIRECTOR.
3. KARNATAKA EXAMINATION AUTHORITY,
THE ADMINISTRATIVE OFFICER,
SAMPAGI ROAD, 18TH CROSS,
MALLESWARAM, BANGALORE-560 012.
4. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
GOVERNMENT OF INDIA,
MINISTRY OF OVERSEES INDIAN AFFAIRS,

NORTH BLOCK, NEW DELHI-110 001.

5. UNION OF INDIA,
REP BY ITS SECRETARY,
GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110 001.

6. THE CONSORTIUM OF MEDICAL
ENGINEERING AND DENTAL OF
KARNATAKA (COMEDK)
REP BY SECRETARY,
NO.132, 2ND FLOOR, 11TH MAIN,
17TH CROSS, MALLESWARAM,
BANGALORE-560 065.

R6 IS
DELETED
V.C.O
DATED
8/7/2021.

... RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R1 & R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3;
SRI.M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R4 & R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION DTD.4.3.2021 ANNEXURE-A ISSUED
BY 5TH RESPONDENT AND IMPUGNED NOTIFICATION
DTD.15.6.2021 VIDE ANNEXURE-B ISSUED BY THE R-2 AND 3.

IN W.P.No.12243/2021:

BETWEEN:

RAKSHA VISHWANATH,
D/O VISHWANATH RUDRAPPA,
AGED ABOUT 18 YEARS,
R/AT NO.273/C, II FLOOR,
37TH CROSS, 8TH BLOCK, JAYANAGAR,
BENGALURU-560 070.

...PETITIONER

(BY SRI. VIJAYA KUMAR D, ADVOCATE)
AND:

1. UNION OF INDIA,
REP BY ITS SECRETARY,

TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110 001.

2. THE STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY
TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BENGAURU-560 012,
REP BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M B NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N K RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA
MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021
AND ETC.

IN W.P.No.12249/2021:

BETWEEN:

SHASHANK PRAKASH,
AGED ABOUT 18 YEARS,
S/O MR PARAKASH BV,
B-1201, AMODA VALMARK APARTMENTS,
DODDAKAMMANAHALLI ROAD,
AFTER MEENAKSHI TEMPLE,
BENGALURU - 560 083.

...PETITIONER

(BY SRI. ADITYA NARAYAN, ADVOCATE)
AND:

1. UNION OF INDIA,

- MINISTRY OF HOME AFFAIRS,
NORTH BLOCK CENTRAL SECRETARIAT,
NEW DELHI - 110 001.
REP BY ITS PRINCIPAL SECRETARY.
2. UNION OF INDIA,
MINISTRY OF OVERSEAS INDIAN AFFAIRS,
AKBAR BHAWAN, CHANAKYAPURI,
NEW DELHI - 110 021.
REP BY ITS PRINCIPAL SECRETARY.
3. UNION OF INDIA,
MINISTRY OF HUMAN RESOURCES
DEVELOPMENT, 302-C, SHASTRI
BHAWAN, NEW DELHI - 110 011.
REP BY ITS PRINCIPAL SECRETARY.
4. STATE OF KARNATAKA,
DEPARTMENT OF HIGHER EDUCATION,
VIDHAN SOUDHA,
BANGALORE - 560 001.
REP BY ITS SECRETARY.
5. KARNATAKA EXAMINATIONS AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BANGALORE - 560 012.
REP BY ITS EXECUTIVE DIRECTOR.
- ... RESPONDENTS
- (BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1 TO R3;
SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R4;
SRI. N.K.RAMESH, ADVOCATE FOR R5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DECLARE THAT THE PETITIONER IS ENTITLED TO REGISTER AND APPLY FOR CET 2021 AS PER NOTIFICATION DATED 14.06.2021 ANNEXURE-A TO THIS WRIT PETITION ISSUED BY THE R-5 AND ETC.

IN W.P.No.12337/2021:

BETWEEN:

1. MR.MUKUND RAO,
S/O MR GURURAJ MADHAVA RAO,
AGED ABOUT 18 YEARS,
180, 3RD CROSS,
GIRINAGAR IST PHASE,
BANGALORE-560 085.
2. MS.SAMYUKTHA KRISNA PADMANABHA,
D/O MR PADMANABHA B DAMODARAN,
AGED ABOUT 18 YEARS,
521, 8TH CROSS, JP NAGAR, 3RD PHASE,
BANGALORE-560 078.
3. MR. KEVIN ELAPPUPARACKAL TONY,
S/O MR TONY THOMAS ELAPPUPARACKAL,
AGED ABOUT 18 YEARS,
46, LAKESHOR HOMES, HOSA ROAD,
KASAVANAHALLI,
BANGALORE-560 035.
4. MR. ARAVIND SREEKANTH,
S/O SREEKANTH N MURTHY,
AGED ABOUT 18 YEARS,
B601, RENAISSANCE PK-3, 1ST MAIN ROAD,
SUBRAMANYANAGAR,
BANGALORE-560 055.
5. MS. SANGEETA PRASAD,
D/O MR SRINIVAS PRASAD,
AGED ABOUT 18 YEARS,
83/2, SHRI HARI KRUPA,
II MAIN, ITI LAYOUT, BSK III STAGE,
BANGALORE—560 085.
6. MR. VIKYATH GOWDRU MALLIKARJUNA,
S/O MR BASAVARAJAPPA MALLIKARJUNA KIRTI,
AGED ABOUT 18 YEARS,
FLAT 5162, OBW PHOENIX,
OPPOSITE ORION MALL, RAJAJI NAGAR,
BANGALORE-560 010.
7. MR. HARSHITH SADHU,
S/O MR NARASIMHA MURTHY,
AGED ABOUT 18 YEARS,

201A, DSR WINDSOR APARTMENTS,
GREENGLEN LAYOUT, BELLANDHUR,
BANGALORE-560 103.

8. MR. KUSHAL KOLLA,
S/O MR NARASIMHA RAO KOLLA,
AGED ABOUT 18 YEARS,
BSR SPLENDOUR PARK BLOCK 1 FLAT E3,
108/1, 1B CROSS, VIJAYA BANK COLONY E,
HORAMAVU, BANGALORE-560 043.

...PETITIONERS

(BY SRI. NITIN R, ADVOCATE)

AND:

1. STATE OF KARNATAKA
THROUGH PRINCIPAL SECRETARY
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY
THROUGH EXECUTIVE DIRECTOR
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BANGALORE-560 012.
3. UNION OF INDIA
THROUGH MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY
NORTH BLOCK,
NEW DELHI – 110 001.

... RESPONDENTS

(BY SRI. DHYAN CHINNAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R1;
SRI. N K RAMESH, ADVOCATE FOR R2;
SRI. M.B. NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
NOTIFICATION DATED 14.6.2021 AS UNTENABLE IN LAW IN SO

FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED OF CHILDREN WITH INDIAN DOMICILED OF CHILDREN WITH INDIAN CITIZENS IN ALL MATTERS OF ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIAN FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR 2021-22 VIDE ANNEXURE-J AND ETC.,

IN W.P.No.12413/2021:

BETWEEN:

MR. VARUN BABU,
S/O LATE LOKESH BABU T. G.,
AGED ABOUT 20 YEARS,
R/O NO.102, 3791, AISHWARYA SIGNUM,
7TH MAIN, OPP. AMBEDKAR COLLEGE,
HAL 2ND STAGE, BENGALURU-560 008.

..PETITIONER

(BY SRI. ABHISHEK MALIPATIL, ADVOCATE)

AND:

1. THE UNION OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI-110 001.
REPRESENTED BY ITS HOME SECRETARY.

2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.

3. KARNATAKA EXAMINATIONS AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM, BENGALURU-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021 AND ETC.

IN W.P.No.12418/2021:

BETWEEN:

TARUNYA PRASAD,
D/O PRASAD PARTHASARTHY,
AGED ABOUT 18 YEARS,
#E402, RANKA CORNER APARTMENT,
CAMBRIDGE LAYOUT, ULSOOR,
BENGALURU-560 008.

...PETITIONER

(BY SRI. SURESH K, ADVOCATE)

AND:

1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110 001.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATIONS AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM, BENGALURU-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021 AND ETC.

IN W.P.No.12419/2021:

BETWEEN:

1. YASHASWINI DHARMALAPA VISHWANATH
AGED 18 YEARS,
D/O VISHWANATH S DHARMAPALA,
R/A 82, 3RD CROSS, BSK 3RD STAGE,
4TH STAGE, 4TH BLOCK,
BENGALURU 560 037.
2. ANANYA ANAND,
AGED 18 YEARS,
D/O S ANAND KAILASH,
NO 651A, AAKRUTI, 18TH CROSS,
IDEAL HOMES TOWNSHIP,
KENCHENAHALLI, RR NAGAR,
BENGALURU 560 098.
3. MAHATI A KALALE,
AGED 18 YEARS,
D/O AMARNATH KALALE, NO.16,
MANTRI LAKEVIEW,
THALAGHATUPURA,
KANAKAPURA ROAD,
BENGALURU 560 062.
4. MAANASA C GOWDA
AGED 18 YEARS,
D/O H C DAYANANDA,
NO 402, CHARTRED MADY APARTMENTS,
17TH MAIN, J P NAGAR, 2ND PHASE,
BENGALURU 560 078.
5. SAVVY JAIN
AGED 18 YEARS,
D/O SWAPAN KUMAR JAIN,

NO K303, PURVA FAIRMOUNT APARMTNETS,
HSR LAYOUT, SECTOR 2,
BENGALURU 560 102.

6. VARSHA POTHUKANAMA
AGED 18 YEARS,
D/O P HARINATH REDDY,
NO 307, PAVANI LAKEVIEW APARTMENTS,
2ND MAIN, 3RD CROSS,
JCR LAYOUT, PANATHUR,
BENGALURU 560103.

...PETITIONERS

(BY SRI. SURESH K, ADVOCATE)

AND:

1. UNION OF INDIA
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS, NORTH BLOCK,
NEW DELHI 110 001.
2. THE STATE OF KARNATKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU 560 001.
3. KARNATAKA EXAMINATIONS AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU 560 012,
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA

MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021
AND ETC.

IN W.P.No.12509/2021:

BETWEEN:

SHREYAS MURTHY,
S/O H K N MURTHY,
AGED ABOUT 18 YEARS,
NO.253, ROYAL LAKE FRONT RESIDENCY,
J P NAGAR, 8TH PHASE,
BANGALORE-560 078.

...PETITIONER

(BY SRI. SURESH K, ADVOCATE)

AND:

1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI-110 001.
2. STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL,
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE

IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA
MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DTD.4.3.2021
AND ETC.

IN W.P.No.12722/2021:

BETWEEN:

ANAGHA MURALIDHARAN,
AGED 18 YEARS,
D/O MURALIDHARAN,
SRINVIASAN, B-702, PURVA HEIGHTS 14,
BANNERGHATTA ROAD, BILEKAHALLY,
BENGALURU-560 076.

...PETITIONER

(BY SRI. AJOY KUMAR PATIL, ADVOCATE)

AND:

1. THE UNION OF INDIA,
REPRESENTED BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI-110001.
2. STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BENGALURU-560 012.
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED THE R1 UNION OF INDIA, MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DATED 4TH MARCH 2021 AND ETC.

IN W.P.No.12849/2021:

BETWEEN:

ARUSHI MISHRA,
D/O RAGENDRA KUMAR MISHRA,
AGED ABOUT 18 YEARS,
R/AT V 216, CONCORDE SILICON VALLEY,
NEAR WIPRO GATE 16, ELECTRONIC CITY,
BENGALURU - 560 100.

...PETITIONER

(BY SRI. VIJAYA KUMAR D, ADVOCATE)

AND:

1. UNION OF INDIA
REP BY ITS SECRETARY,
TO GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK,
NEW DELHI - 110 001.
2. THE STATE OF KARNATAKA,
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA
BENGALURU - 560 001.
3. KARNATAKA EXAMINATIONS AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU - 560 012.
REP BY ITS EXECUTIVE DIRECTOR.

...RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;

SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED NOTIFICATION ISSUED THE R1 UNION OF INDIA, MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DATED 4TH MARCH 2021 AND ETC.

IN W.P.No.12986/2021:

BETWEEN:

MS.ANUSHKA A PODDAR,
D/O MR ANILKUMAR S PODDAR,
AGED ABOUT 18 YEARS,
R/AT NO 239, 4TH MAIN,
M S RAMAIAH CITY,
J P NAGAR , 8TH PHASE,
BANGALORE – 560 076.

...PETITIONER

(BY SRI. NITIN R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH PRINCIPAL SECRETARY
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY,
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BANGALORE – 560 012.
3. UNION OF INDIA
THROUGH MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK,
NEW DELHI – 110 001.

... RESPONDENTS

(BY SRI.DHYAN CHINAPPA, AAG A/W

SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3;
SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION DTD.14.6.2011 AS UNTENABLE IN LAW IN SO FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED OCI CHILDREN WITH INDIAN CITIZEN IN ALL MATTERS OF ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR 2021-22 VIDE ANNEXURE-B AND ETC.

IN W.P.No.13081/2021:

BETWEEN:

MR. VIVEK NAIR,
S/O MR VIPIN RAVINDRANATH,
AGED ABOUT 18 YEARS,
R/AT A506, SOPANAM, PURVA PANORAMA,
KALENA AGRAHARA,
BANNERAGHATTA ROAD,
BANGALORE - 560 076.

...PETITIONER

(BY SRI. NITIN R AND
SRI. MUNI SINGH.C, ADVOCATES)

AND:

1. STATE OF KARNATAKA
THROUGH PRINCIPAL SECRETARY
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE - 560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM, BANGALORE - 560 012.
3. UNION OF INDIA
THROUGH MINISTRY OF HOME AFFAIRS,

GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK,
NEW DELHI – 110 001.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION DATED 14.06.2021 AS UNTENABLE IN LAW, IN SO FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED OCI CHILDREN WITH INDIAN CITIZENS IN ALL MATTERS OF ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR 2021-2022 VIDE ANNEXURE-B AND ETC.

IN W.P.No.13091/2021:

BETWEEN:

1. MR. MOHIT SANJEEV MAHAJAN,
S/O MR. SANJEEV ANANDRAO MAHAJAN,
AGED ABOUT 18 YEARS,
NO.1365, 24 MAIN ROAD,
BANASHANKARI 2ND STAGE,
BANGALORE-560 070.
2. MS. DEEPIKA MANIKKOTH SUNIL
D/O SUNIL PALANGHAT,
AGED 18 PLUS YEARS,
J002, CITILIGHTS RUSTIQUE,
ECC ROAD, WHITEFIELD,
BENGALURU-560 066.
3. MS SHEPHZIBAH GRACE MANDAM,
D/O MR. JOHN EMMANUEL MANDAM,
AGED ABOUT 17 YEARS, (MINOR)
NO.8/2, 1ST CROSS, KHB ROAD,
SULTANPALYA, RT NAGARA,
BANGALORE-560 032,
REPRESENTED BY HER FATHER

MR.JOHN EMMANUEL MANDAM.

...PETITIONERS

(BY SRI. NITIN R AND
SRI. MUNI SINGH.C, ADVOCATES)
AND:

1. STATE OF KARNATAKA,
THROUGH PRINCIPAL SECRETARY,
TO THE GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BANGALORE-560 001.
2. KARNATAKA EXAMINATIONS AUTHORITY,
THROUGH EXECUTIVE DIRECTOR,
SAMPIGE ROAD, 18TH CROSS,
MALLESHWARAM,
BANGALORE – 560 012.
3. UNION OF INDIA
THROUGH MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
NORTH BLOCK,
NEW DELHI – 110 001.

... RESPONDENTS

(BY SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3;
SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE NOTIFICATION DTD.14.6.2021 AS UNTENABLE IN LAW IN SO FAR AS IT FAILS TO ACCORD PARITY TO INDIAN DOMICILED OCI CHILDREN WITH INDIAN CITIZEN IN ALL MATTERS OF ENTRY AND ADMISSION TO PROFESSIONAL COLLEGES IN INDIA FOR THE PROFESSIONAL COURSES STARTING FROM THE YEAR 2021-22 VIDE ANNEXURE-D AND ETC.

IN W.P.No.13444/2021:

BETWEEN:

MR. BHUPESH TIWARY,
S/O RAJ KISHORE TIWARY,
AGED ABOUT 18 YEARS,
R/AT FLAT NO.401,
SAI KUTEERA APARTMENT,
THANISANDRA, BENGALURU-560 077.

...PETITIONER

(BY SRI. B R SRINIVASA GOWDA, ADVOCATE)

AND:

1. UNION OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI-110 001.
REPRESENTED BY IS HOME SECRETARY.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU-560012.
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION DTD 04.03.2021 ISSUED BY THE R-1
VIDE ANNX-A AND ETC.

IN W.P.NO.16993/2021:

BETWEEN:

NIDHI ANIL GUNTGATTI,
D/O ANIL A GUNTGATTI,
AGED ABOUT 18 YEARS,
R/AT NO.11, NAVARATHAN
GARDEN GUBBALALA GATE,
KANAKAPURA ROAD,
DODDAKALLASANDRA,
BENGALURU SOUTH BENGALURU,
KARNATAKA – 560 062.

...PETITIONER

(BY SRI. D VIJAYAKUMAR, ADVOCATE)

AND:

1. UNION OF INDIA,
REP BY ITS SECRETARY
TO GOVERNMENT OF INDIA,
MINISTRY OF HOME AFFAIRS,
NORTH BLOCK, NEW DELHI-110 001.
2. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL
SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
VIDHANA SOUDHA,
BENGALURU-560 001.
3. KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU-560012.
REPRESENTED BY ITS
EXECUTIVE DIRECTOR.

... RESPONDENTS

(BY SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R1;
SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R2;
SRI. N.K.RAMESH, ADVOCATE FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 &
227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED NOTIFICATION ISSUED THE R-1 UNION OF INDIA

MINISTRY OF HOME AFFAIRS AT ANNEXURE-A DATED
04.03.2021 AND ETC.

IN W.P.No.17127/2021

BETWEEN:

MS.SHRIYA ANIL,
AGED ABOUT 18 YEARS,
DAUGHTER OF MR. ANIL
IS REPRESENTED THROUGH HER
FATHER NATURAL GUARDIAN MR. ANIL
RESIDING AT NO.138, SHRI NILAYA,
1ST CROSS, SAI LOTUS LAYOUT,
BEML 5TH STAGE, BANGALORE SOUTH,
R R NAGAR,
BANGALORE-560 098.

...PETITIONER

(BY SRI. YATHISH S, ADVOCATE)

AND:

1. STATE OF KARNATAKA,
REPRESENTED BY PUBLIC PROSECUTOR,
2. KARNATAKA EXAMINATION AUTHORITY,
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU-560 012.
REPRESENTED BY ITS EXECUTIVE DIRECTOR.
3. THE ADMINSITRATIVE OFFICER,
KARNATAKA EXAMINATION AUTHORITY
SAMPIGE ROAD, 18TH CROSS,
MALLESWARAM,
BENGALURU-560 012.
4. UNION OF INDIA,
REPRESENTED BY PUBLIC PROSECUTOR.

... RESPONDENTS

(BY SRI.DHYAN CHINAPPA, AAG A/W
SMT. PRAMODHINI KISHAN, AGA FOR R1;
SRI. N.K.RAMESH, ADVOCATE FOR R2 & R3;
SRI. M.B.NARAGUND, ASG A/W
SRI. SHIVAKUMAR, CGC FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENT STATE AND THE RESPONDENT KARNATAKA EXAMINATIONS AUTHORITY TO PERMIT THE PETITIONER IN PARTICIPATION IN THE ENSUING COUNSELING OF CET-2021 FOR SELECTION AND ALLOTMENT OF SEAT IN BE OR ANY OTHER PROFESSIONAL COURSES IN GOVERNMENT COLLEGES PRIVATE AIDED/UNAIDED COLLEGES/INSTITUTIONS FOR THE ACADEMIC YEAR 2021-22 ON THE BASIS OF THEIR RELATIVE MERIT AND RANKING IN THE IMMINENT CET-2021 AND ETC.

THESE PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS, THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

ORDER

All the petitioner-students being the Overseas Citizen of India Cardholders in terms of *inter alia* u/ss 7A & 7B of the Citizenship Act, 1955 (hereafter '1955 Act') are grieving before the Writ Court against a part of Central Govt. Notification dated 4.3.2021 at Annexure-A whereby certain rights of professional education vested in them by virtue of earlier Notifications dated 11.4.2005 & 5.1.2009 have been taken away; after service of notice, the respondents having entered appearance through their counsel, resist the Writ Petitions by filing their Statements of Objections and by making submissions in justification of the impugned notification & other consequential actions; in compliance with the request of a Division Bench of this Court, all these cases having

substantially similar fact & legal matrices, are taken up for expeditious disposal, after rejecting the strange submission of learned ASG Mr.Nargund for deferring the hearing till after the Apex Court disposes off arguably a similar pending matter; this rejection was owing to the fact that the Central Govt. was a party *eo nomine* to the cases before the said DB.

2. FOUNDATIONAL FACTS & CONTENTIONS:

(a) Petitioners hold OCI Certificates of Registration; most of them are major by age; they have been studying in the State of Karnataka for the past several years; they have completed their SSLC/10th Std and PUC/12th Std, on par with the native citizens; after their qualifying examinations, they attempted to get online registration with the Karnataka Examinations Authority (hereafter 'KEA') to appear for the Common Entrance Test-2021; however, the KEA did not accord them registration for admission to '*Government Seats*' and non-supernumerary seats on the ground that they are not the Indian citizens; this is on the basis of the impugned notification.

(b) The impugned part of the subject notification (as concised) reads as under:

"In exercise of the powers conferred by sub section (1) of section 7B of the Citizenship Act 1955... and in supersession of the notification... dated 11.04.2005 and the notification...dated 05.01.2007 and S.O.36(E), dated 05.01.2009..., the Central Government hereby specifies the following rights to which an Overseas Citizen of India Cardholder...shall be entitled...nameiy:-

(1) x.....xx.....xxx.....xxxx

(2) x.....xx.....xxx.....xxxx

(3) x.....xx.....xxx.....xxxx

(4) parity with Non-Resident Indians in the matter of,-

(i)

(ii) appearing for the all India entrance tests such as National Eligibility cum Entrance Test, Joint Entrance Examination (Mains), Joint Entrance Examination (Advanced) or such other tests to make them eligible for admission only against any Non-Resident Indian seat or any supernumerary seat:

Provided that the OCI cardholder shall not be eligible for admission against any seat reserved exclusively for Indian citizens;

.....

Explanation.-*For the purposes of this notification,-*

(1) The OCI Cardholder (including a PIO cardholder) is a foreign national holding passport of a foreign country and is not a citizen of India.

(2) "Non-Resident Indian" shall have the same meaning as assigned to it in the Foreign Exchange Management (Acquisition and Transfer of Immovable Property in India) Regulations, 2018 made by the Reserve Bank of India under the Foreign Exchange Management Act, 1999 (42 of 1999) and who fulfils the "Non-Resident Indian" status as per the Income Tax Act, 1961 (43 of 1961)."

In effect this Notification does not permit the OCI Cardholders

to stake their claim for admission to any seats other than those availing under NRI quota and supernumerary seats.

(c) **Petitioners argued that:**

(i) Under the erstwhile Notifications of 2005 & 2009, the OCI Cardholders had the accrued right of admission to the professional educational courses and these rights are saved even under the impugned Notification, but for the objectionable part; the said Notification is not applicable to the professional courses of the kind; otherwise also, the said Notification is liable to be voided; it is issued by the Central Govt. without competence inasmuch as it is only the Parliament which could have done it; it stands on a wrong premise that the petitioners are not citizens of India; it is issued in violation of the principle of natural justice i.e., *audi alteram partem*; it defeats the legitimate expectation of petitioners.

(ii) The OCI Cardholders suffer double disadvantage in the sense that though they are domiciled in Karnataka, they will not get admissions to the seats in question in India and they will not be able to seek admission in their countries

inter alia for the lack of domicile there; thus their case is of '*neither here nor there*'; vested rights could not have been taken away abruptly at the eleventh hour; it is discriminatory & arbitrary; it also offends the principle of non-retrogression of rights; it runs repugnant to what has been held by a Single Judge and the Division Bench; the Notification in question seeks to nullify the court decisions; it is tainted with incongruity; therefore, the same should be quashed and petitioners be permitted to lay claim for admission to the seats on par with Indian citizens.

(d) **The answering respondents contended that:**

(i) Petitioners are not the citizens of India; they possess foreign passports and Indian VISA granted by our Embassy in their respective countries; they are only OCI Cardholders; citizenship & OCI status are mutually exclusive; our Constitution does not sanction dual citizenship on which petitions are structured; the rights of aliens are only those which have been specifically conferred by the Central Govt.; the rights un-irrevocably given by a subordinate legislation can be taken away any time; the principles of natural justice are alien to legislative process and therefore they remain so to

quasi-legislative process as well, what right should be given to the aliens is a matter of policy in the making of which a host of factors including reciprocity of concerned foreign countries, figure; such factors, by their very nature, are not susceptible to judicial review under Articles 226 & 227.

(ii) The impugned policies of the kind are made "*to protect the rights of Indian citizens in such matters*"; the discrimination argument is unfounded since Indian citizens constitute a class apart for a favorable treatment, in matters of this nature; the native citizens are comparatively in a disadvantageous position and therefore, they cannot be made to compete with the OCI Cardholders; the decision of single Judge and of the Division Bench were founded on the earlier Notifications and therefore, they do not much come to the aid of petitioners; the impugned Notification has altered the substratum on which these decisions rested, such alteration being constitutionally permissible; petitions are devoid of merits and therefore, are liable to be dismissed.

3. I have heard the learned counsel appearing for the parties; I have perused the Pleadings & Papers; I have also

read the decisions cited at the Bar; having done that exercise, the following questions are framed for consideration:

(i) *Whether OCI Cardholders are Indian citizens and therefore, all rights that avail to the citizens ipse jure avail to those who have domiciled in the State from 1st to 12th Std i.e., till qualifying examination... ?*

(ii) *Whether the acclaimed Indian Citizenship and Domicile of OCI Cardholders are central to the government policy promulgated through the impugned notification of 04.03.2021...?*

(iii) *Whether the Central Government has power u/s 7B of the 1955 Act to issue the impugned Notification curtailing the rights vested in and accrued to the OCI Cardholders under the earlier Notifications... ?*

(iv) *Whether the Central Govt. is justified in issuing the impugned Notification in the teeth of decisions of the Single Judge as affirmed by the Division Bench... ?*

(v) *Whether the impugned Notification is discriminatory of the OCI Cardholders qua the Indian Citizens and therefore, does not pass the test of equality principle enshrined in article 14 of the Constitution... ?*

(vi) *Whether the principles of natural justice such as audi alteram partem & legitimate expectation do apply to the making of delegated legislation such as the impugned Notification... ?*

(vii) *Should validity of impugned Notification be upheld, whether the quashed section 2(1)(n) of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 would automatically revive and consequently petitioners cannot claim admission to the government seats... ?*

4. As to the contention of OCI Cardholders being citizens:

(a) Our Constitution does not provide for dual citizenship; Law relating to citizenship is enacted by the Parliament in the form of 1955 Act, under Article 246(1) r/w Article 11 & Entry-17, List-1, Schedule VII of the Constitution; the said Entry speaks of "*Citizenship, naturalization and aliens*"; originally, this Act dealt with citizenship and its acquisition and denudation by specified modes; however, in the course of time, few amendments have been effected empowering the Central Govt. to evolve a policy for the grant of status & certain rights in favour of foreigners of Indian origin; a new chapter is added to the Act with the heading "OVERSEAS CITIZENSHIP" since the year 2004; now it comprises of sections 7A, 7B, 7C & 7D; corresponding amendments have also been made in the *dictionary clause* of the Act, as well; under the statutory scheme, the Central Govt. evolves the policy by issuing the Notification u/s 7B by way of delegated legislation and thereby, grants certain rights to the OCI Cardholders subject to certain conditions; what rights cannot be granted are specified in sub-section (2) of this section;

there are other legislations such as Foreigners Act, 1946, etc., and they are not much relevant for discussion & decision;

(b) The Central Govt. in exercise of power delegated under sub-section (1) of section 7B of the 1955 Act had promulgated a policy vide Notification dated 11.4.2005 whereunder, *parity with Non-Resident Indians* was accorded to the OCI Cardholders *inter alia* 'in respect of educational fields'; by a subsequent Notification dated 5.1.2009, they were permitted "*to appear for the All India Pre-Medical Test or such other tests to make them eligible for admission*" in pursuance of the relevant Acts; these two Notifications were the subject matter of consideration by this court (KSDJ) in **W.P.Nos.7376-7378/2019** between PRANAV V DESHPANDE Vs. STATE & OTHERS, a/w other cases decided on **10.4.2019**; this decision was put in challenge in **W.A.No.1177/2019**, etc., and the same came to be **affirmed** by the DB vide judgment dated **9.12.2020**, with additional reasons (and some marginal modification too which is not relevant).

(c) Since these two Notifications of the years 2005 & 2009 have been reproduced verbatim both in the Single Judge's

order and in the DB judgment, there is no need for their duplication here; in the said Writ Petitions, section 2(1)(n) of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 as amended by Act No.22 of 2017 along with Rule 5 of 2006 Rules promulgated thereunder came to be quashed on the ground of legislative competence inasmuch as the field having been occupied by the Central law (the two Notifications), the State could not have enacted the same; challenge to the DB judgment in **S.L.P.(C)Nos.2904-2905/2021**, came to be disposed off by the Apex Court as having been **withdrawn** vide order dated 26.3.2021 in view of the issuance of impugned Notification.

(d) Admittedly OCI Cardholders possess the Passports issued by their countries; they have obtained OCI Registration Certificates in which their Foreign Nationality is specifically mentioned; nowhere therein, it is stated that they are the Indian citizens; it is pertinent to mention that the Single Judge while allowing the Writ Petitions vide judgment dated 10.4.2019 specifically recorded a finding at several paragraphs therein that the OCI Cardholders are not Indian

citizens; Mr.Dhyan Chinnappa, learned Addl. Advocate General appearing for the respondent State is more than justified in contending that the DB had framed four principal "POINTS FOR CONSIDERATION" at para 46 of its judgment and none of them related to status of OCI Cardholders as citizens; in fact, the articulate premise of the judgment of the Single Judge and the inarticulate premise of the Division Bench judgment are that the OCI Cardholders are not the Indian citizens; it is very logical that the status of OCI Cardholders and that of the Indian citizens are mutually exclusive, as rightly contended by the learned ASG Mr.Nargund; therefore, some observations in the DB judgment as to the OCI Cardholders arguably being the Indian citizens do not dilute the specific finding of the Single Judge that they are not; had the DB framed a specific question as to citizenship status of the OCI Cardholders, it would have been a different matter.

(e) **As to Division Bench Judgment, doctrine of precedent and the principle of *res judicata*:** Whether the OCI Cardholders are citizens of India, is not a pure question of law; it is a mixed question of law & facts; this aspect has

relevance in deciding whether the observations in the DB judgment are to be treated as having precedential value; if the proposition is purely of law, it merits being treated as a precedent; on the contrary if the proposition is of fact, it does not merit such a treatment; the propositions of law are different from the propositions of fact; **Rupert Cross** in **PRECEDENT IN ENGLISH LAW**, 3rd Edn. at page 221 says: “... *Decisions on questions of fact do not constitute a precedent...*”; the DB observations broadly fall into the latter; what the travel documents of the petitioners, that are generated at the hands of their native countries demonstrate as to their status, assumes a lot of significance; this evidentiary aspect of the matter was not treated by the Single Judge and the Division Bench, either; their passports were not the subject matter of scrutiny; the observations in the Division Bench judgment as to the status of OCI Cardholders cannot *a fortiori* enure to the benefit of petitioners since they were not parties to the ‘cause’ adjudged there; this apart, there is no identity of causes of action; the impugned Notification is a *nova causa*; the issue as to citizenship needs to be treated in the light of evidentiary material;

therefore, the arguable observations of the Division Bench that the OCI Cardholders are Indian citizens, apart from being confined to the parties thereto, cannot be construed as a concrete statement of law.

(f) There is yet another aspect to the issue of citizenship of petitioners; learned AAG Mr. Dhyana Chinnappa rightly points out that the Single Judge at paragraphs 11 & 13 of his judgment specifically recorded a finding that **the OCI Cardholders are not Indian citizens**; at sub-para (a) of paragraph 11, it is observed "*Section 7B(1) of 1955 Act deals with rights of the OCI Cardholders who are not the citizens of this country; these rights may be **educational**, occupational, professional, proprietary or the like subject to the exclusion by Sub-Section 2 thereof...*"; at sub-para (c), it is observed "*merely because the educational rights of foreigners are involved, one cannot hastily jump to the conclusion that their subject matter relates to "education" in Entry-25 of List-III inasmuch as the bundle of rights bestowed upon the foreigners as a package constitutes the **genus** and their educational rights separated from such bundle constitute the **species**; thus, the subject matter of legislation lies exclusively within the domain of the*

Centre."; in fact, the impugned section 2(1)(n) of the 2006 Act (as amended by Karnataka Act No.22 of 2017) was voided by the Single Judge in Pranav V Deshpande's Case *supra* on the ground that the State Legislature lacked competence specifically stating "...the Draftsman of this amendment was under an impression that the subject matter relates to "education" under Entry-25 of List-III when the matter essentially and in substance relates to "aliens" (foreigners) in Entry-17 of List-I."; the Division Bench fully concurred with this.

(g) Mr.Dhyan is more than justified in contending that there is absolutely nothing in the DB judgment suggestive of the contra to the above nor has it given any other reason for holding that the State lacked legislative competence; he contends and this court finds it right that, had the OCI Cardholders been treated as the Indian citizens, the said provision of the State Law could not have been struck down on this ground inasmuch as the matter then would eventually have fallen in Entry 25 of Concurrent List; he rightly seeks support from **Salmond's Jurisprudence** (12th Edn.) and Glanville Williams' "Learning the Law" as to the popular tests

employed for finding out the ratio & precedential value of the DB judgment; he presses into service the Apex Court decision in **STATE OF GUJARAT Vs. UTILITY USERS WELFARE ASSOCIATION**, (2018) 6 SCC 21 to substantiate his contention that the consideration of the question of citizenship was not necessary for the adjudication of case at the hands of DB and therefore, some observations in it's judgment cannot be taken to conclusively hold that the OCI Cardholders are citizens of India; he cannot be much faltered in asserting that some discussion in the DB judgment which tend to give an impression as to Indian citizenship, are only '*passing observations*', especially when the said question was not specifically framed; it can therefore be assumed that it was not much argued.

5. As to Citizenship of OCI Cardholders and their discrimination qua the natives:

(a) There is yet another aspect to the matter of citizenship: the Central Govt. Notifications of 2005 & 2009 intended and the impugned notification of 2021 intends to equate the OCI Cardholders with the NRIs for the limited purpose of claiming admission to the subject seats in the professional courses of

the kind; the rights of NRIs who obviously are Indian citizens but residing on a foreign soil, are less than those of the citizens domiciled in the native land; in other words, countenancing the contention of the petitioners would mean that the OCI Cardholders would have more educational rights than would avail to NRIs; this is unconvincing; learned ASG Mr.M.B.Nargund is right in contending that these Notifications are not structured on that premise and with that intent; therefore, by law, by reason & by logic, it cannot be stated that the petitioners are the citizens of this country; for the very same reason, they are rightly treated as a class apart from the natives, in the matter of education;

(b) Mr.M.B.Nargund is justified in submitting that the impugned part of the 2021 Notification is consciously incorporated with intent to protect the interest of the domiciling natives who lack the competitive edge qua the OCI Cardholders and the NRIs; both these classes i.e., OCI & NRI who are now equated to each other obviously have greater exposure to the outer world, by virtue of birth & brought up, in the case of former and by virtue of the residing in the case of latter; the classification between the natives on the one

hand and the OCIs & the NRIs on the other cannot be faltered by invoking equality clause; Article 14 of our Constitution sanctions '*protective discrimination*'; it hardly needs to be stated that the foreigners and the native citizens apparently belong to two different classes and therefore, treating them alike would fall foul of the principle of equality vide **E.P.ROYAPPA Vs. STATE OF TAMIL NADU**, AIR 1974 SC 555; it is pertinent to note that no NRIs have come forward to lay a challenge to their being treated differently from domiciling citizens and this is understandable inasmuch as both they constitute different categories; they have also not laid a challenge to the impugned Notification grieving that the OCI Cardholders are approximated to them and thereby, their claim to admission in the NRI quota exclusively earmarked for them, is rendered less prospected; that being the position, no case of discrimination is made out by the OCI Cardholders for invoking Article 14.

6. As to whether Citizenship and Domicile are central to the impugned notification:

There is one common characteristic discernible from the three Notifications of 2005, 2009 & 2021: *all OCI Cardholders*

are foreigners but not all foreigners are OCI Cardholders; these Notifications treat the OCI Cardholders on par with the NRIs; the latter are citizens whereas the former are not; these Notifications in a sense restrict the educational rights of the NRIs even when they are citizens qua the domiciling citizens, is obvious; they confer on par with NRIs the educational rights on the OCI cardholders though they are not citizens; what emerges from a deeper examination of this is that so far as the claim to governmental seats & non-supernumerary seats is concerned, both the citizenship and domicile are not treated as central to the *policy criterion*, although they have some '*non-policy significance*'; in other words, going by the text & context and their policy content, these notifications are '**citizenship-neutral**'; similarly they are '**domicile-neutral**' too; of course this is so far as the claim for admission to NRI & supernumerary seats is concerned; thus even if the OCI Cardholders assumedly happen to be the citizens of India and have domiciled in the State of Karnataka, the factor pales into insignificance; the vehement contention of Mr. Nitin Ramesh that there is difference between the OCI Cardholders *simpliciter* and OCI Cardholders domiciled in the State of

Karnataka, is true; however that difference does not advance the case of petitioners.

7. As to competence of the Central Government to issue impugned Notification:

(a) Aliens in Private International Law, State Policy & Judicial Intervention:

(i) Decades ago, a noted French political thinker Mr. Kristensen had said "The journey to foreign countries was to the religious conceptions of antiquity the same as soul's journey to the realm of the dead i.e., to a totally different world..."; this is true even today; "... *no State can claim the right for its subjects to enter into, and reside on, the territory of a foreign State. The reception of aliens is a matter of discretion, and every State is by reason of its territorial supremacy competent to exclude aliens from the whole or any part, of its territory... if a State need not receive aliens at all, it can receive them only under certain conditions...*", says **Oppenheim's International Law**, volume 1, 8th Edition, page 675; "*Most states claim in legal theory to exclude all aliens at will, affirming that such unqualified right is an essential attribute of sovereign government...The absence of any duty at international law to admit aliens is supported by an*

examination of state immigration laws, showing that scarcely any states freely admit aliens... An alien entering the territory of a State becomes subject to its laws in the same way exactly as citizens of that state. Most states, however place aliens under some kind of disability or some measure of restrictions of varying severity. Frequently they are denied voting rights or the right to practise certain professions or the power of holding real estate..." says **Starke's International Law**, 11th Edition at Pages 314-315.

(ii) Broadly speaking, on the basis of the above *opinio juris* it can be generally normed that the rights of the aliens on a foreign soil are those which the host country grants to them and that no alien can lay a claim for more rights than are granted; in all civilized jurisdictions, core human values transcend nationality & geography inasmuch as humans do not metamorphise into 'lesser beings' at once they cross the frontiers of their native land and tread on to the farthest ones; our Constitution extends certain Fundamental Rights to the non-citizens as well, *inter alia* under Articles 14, 20 & 21; they avail to all persons, nationals or not; the degree & extent of their availment may vary depending upon the conditions &

circumstances, is true; thus basic human rights are not citizenship-centric; the significance of boundaries of nations justify the classification of people as citizens and aliens; **Salmond** in an article on '**Citizenship and Allegiance**' published in (1901) 17 LQR 270 wrote: "...*Citizenship is a title to rights which are not available for aliens. Citizens are members optimo jure, while aliens stand on a lower level in the scale of legal right...*"

(iii) It is also true that a *distinction is made in practically all countries between citizens & non-citizens and between domiciled & non-domiciled aliens, with reference to their rights & duties*; how the aliens should be treated is essentially a policy matter left to the wisdom of the government of the day; a host of pragmatic factors and the lessons gained from experience enter the fray of foreign-policy-making; all those which figure in the evolvment of such policies, by their very nature are complex and often the courts lack expertise in assessing their worth & relevance.

(iv) The matter relating to OCI Cardholders is dealt with by the Central Govt. *inter alia* u/s 7B of the 1955 Act; sub-section (2) thereof enlists the rights that cannot be

conferred; barring this, the field is wide open and the Central Govt., can grant any or all other rights/facilities; at times, what rights need to be granted to the aliens depends upon how the Foreign State concerned treats our citizens; thus, there are elements of reciprocity, as well; the Central Govt. had issued similar Notifications in April 2005, January 2007 & January 2009 conferring certain rights & facilities on the OCI Cardholders; these Notifications are a piece of delegated legislation; generally when the Central Govt. grants certain rights & facilities to the foreigners, it does it as a Sovereign Power; the exercise of such a power though required to be consistent with the constitutional policy, has international implications; the law relating to aliens has to be construed consistent with the "principle of State Sovereignty"; in serious matters like this, judiciary cannot run a race of opinions with the Executive; our Constitution does not enact such 'a race course'; the judiciary has to show due deference to the decisions of other branches of the State, made in the spheres ear-marked for them; this is an unspoken constitutional imperative founded on the doctrine of 'Separation of Powers'

which is recognized as a *basic feature* of the Constitution vide **INDIRA NEHRU GANDHI**, 1976 (2) SCR 347.

(b) As to contention that Parliament exclusively has power to restrict the rights of OCI Cardholders:

(i) Petitioners' counsel Mr. Ajoy Kumar Patil, passionately argues that the rights progressively granted by the Government to the OCI Cardholders u/s 7B(1) of 1955 Act can be meddled with only by the Parliament in its plenary power of law making and therefore, the delegate could not have issued the impugned Notification bruising such rights; this is bit difficult to countenance; this provision vests power in the Central Govt. to confer rights & facilities on the OCI Cardholders; the power to grant concomitantly includes the power to rescind/restrict what is so granted vide section 21 of the General Clauses Act, 1897; when the grant is made by the delegate in exercise of quasi-legislative power, it can be taken away by him in the exercise of very same power and in the same way, in the absence of a contra indication in the parent Act; if the Parliament intended otherwise, it would have texted *inter alia* the provisions of section 7B in a different form; the Parliament in its wisdom has granted a large power to the

Executive, assumedly as of necessity; there is nothing in the Act to indicate that once the Central Govt. in exercise of said power grants certain rights to the OCI Cardholders, it is denuded of the power to undo the grant, forever.

(ii) Mr.Patil's reliance on the text of sub-section (2) of section 7B also does not advance his contention; this provision is a conspicuous limitation on the power of Central Govt. availing u/s 7B(1) and injuncts it from granting the rights specified therein, it does not curtail the power of grant to restrict or rescind the rights & facilities that are granted to OCI Cardholders; invariably, the legislative power and ordinarily, the quasi-legislative power does not denude or diminish by it's exercise; they avail perennially; idea of death or diminution by use or by disuse, is alien to legislative & quasi-legislative power; no law nor a Ruling to the contra is notified to this court; even otherwise, the contention that it is only the Parliament and not the Central Govt. which can rescind or diminish the quantum of grant made to OCI Cardholders does not merit acceptance.

8. As to doctrine of non-retrogression of rights and its availability to foreigners:

(a) Petitioners' counsel Mr. Nitin Ramesh vehemently contends that the doctrine of progressive realization of rights is recognized by the Apex Court in **Navtej Singh Johar Vs. Union of India** (2018) 10 SCC 1 paras 201 & 202; as its natural corollary, the doctrine gives birth to the principle of non-retrogression of accrued rights and therefore, there cannot be any retrogression of educational rights in a progressive and an ever improving society; he submits that this doctrine which has now become a part of our legal system owes its origin and validity to the International Conventions such as ICESCR, CRCCR, etc., to which India is a party; invoking this doctrine, he finds fault with the impugned Notification contending that it diminishes the gamut of educational rights conferred on the OCI Cardholders in the 2005, 2007 & 2009 Notifications; this contention in the fact matrix of this case is bit difficult to invoke; the Apex Court broke a new ground when it invoked this doctrine in interpreting substantive constitutional rights; this becomes evident from the following observations at paragraphs 196 & 197 of the said decision:

"196. We have discussed, in brief, the dynamic and progressive nature of the Constitution to accentuate

*that rights under the Constitution are also dynamic and progressive, for they evolve with the evolution of a society and with the passage of time. The rationale behind the doctrine of progressive realization of rights is the dynamic and ever growing nature of the Constitution under which the **rights have been conferred to the citizenry.***

*197. The constitutional courts have to recognize that the constitutional rights would become a dead letter without their dynamic, vibrant and pragmatic interpretation. Therefore, it is necessary for the constitutional courts to inculcate in their judicial interpretation and decision making a sense of engagement and a sense of constitutional morality so that they, with the aid of judicial creativity, are able to fulfill their foremost constitutional obligation, that is, to protect **the rights bestowed upon the citizens of our country by the Constitution.** "*

(b) This court finds it difficult to subscribe to the view canvassed by Mr. Nitin Ramesh that the doctrine of non-retrogression of rights can be pressed into service by the aliens too who have been conferred with certain limited statutory rights in the matter of education, such rights obviously lacking a considerable constitutional flavor; merely because Article 14 is invoked (when not otherwise invocable), the rights conferred on the OCI Cardholders by virtue of impugned Notification cannot be said to possess elements of constitutional law; the observation at paragraph 202 of the decision that the State should not take measures that

deliberately lead to retrogression on the enjoyment of rights either under the Constitution or otherwise, does not much come to the aid of petitioners; few sentences in a decision cannot be construed out of their context and as forming a rule of binding conduct, regardless of nationality & citizenship criterion; invisible factors like these that lurk in the viscera of a decision cannot be lost sight of in the process of extracting the ratio from it; this court is not sure if this nascent doctrine avails to the aliens as a ground for invalidating an instrument of law enacted by legislator or its delegate; it hardly needs to be stated that a decision is an authority for the proposition that it lays down in a given fact matrix and not for all that which logically follows from what has been so laid down vide **LORD HALSBURY** in **QUINN VS. LEATHEM**, 1901 AC 495.

9. As to principles of natural justice such as audi alteram partem and the doctrine of legitimate expectation, being susceptible to legislative variance, etc:

(a) The petitioners submit that: all the way they came to India (the land of their ancestors) to prosecute their studies acting upon the three Notifications of the years 2005, 2007 &

2009; they have completed their education from 1st Std to 10th Std if not beyond and thus satisfy the requirement of prescribed domicile; the above Notifications coupled with the judgment of the Single Judge and of the DB generated a legitimate expectation that they would be permitted to stake their claim for the government & supernumerary seats in question on par with rest of the citizenry; however, the impugned Notification has rudely come as a bolt from the blue; it offends the sense of justice; it violates the principles of natural justice such as *audi alteram partem* and dissipates their legitimate aspiration; the same having been issued at the eleventh hour of their educational progression, it should be struck down; the above argument is bit difficult to countenance, and the reasons are not far to seek; the text & context of three earlier Notifications cannot be said to have held out to the OCI Cardholders that the rights conferred thereby would continue to avail indefinitely, regardless of the change of circumstances.

(b) The Central Govt. in its wisdom had created those rights & facilities at will as a delegate of the Parliament; ordinarily, the legislative & quasi-legislative process culminating in a

statutory instrument of the kind does not admit the violation of principles of natural justice as a ground for its invalidation; the impugned Notification has been issued in exercise of quasi-legislative power availing in terms of sub-section (1) of section 7B and thus, it is a piece of subordinate legislation; Mr.Dhyan Chinnappa is right in submitting that the principles of natural justice such as *audi alteram partem* and the doctrine of legitimate expectation are confined in their application to the administrative decisions, unless the law otherwise indicates; these principles are not immutable axioms; they can be excluded by the legislative/quasi-legislative process vide **UNION OF INDIA VS. TULSIRAM PATEL** 1985 (3) SCC 398; in the celebrated case of **SCHMIDT AND ANOTHER VS. SECRETARY OF STATE FOR HOME AFFAIRS**, (1969) 1 All E.R. 904, what Lord Denning said is worth reproducing:

"the Home Secretary had ample power under the Aliens Order 1953 to refuse admission to aliens or to refuse to extend their stay and further he had exercised that power fairly and validly in the interest of society... an alien had no right to enter the United Kingdom without leave and having entered, to have the time extended, and could be refused permission to remain without reasons being given; accordingly, having no right capable of being interfered with, no question of

natural justice arose."

10. As to incompetence of the Central Government overturning or nullifying the Court Judgments:

(a) Mr. Ajoy Kumar Patil and Mr. Nitin Ramesh appearing for the petitioners vehemently submit that the impugned part of the Notification of 2021 not only runs counter to the reasoning part of the Judgment in PRANAV V DESPANDE case as affirmed by the Division Bench but also has sans any competence, turtled it; therefore, they argue, the same is liable to be voided; learned AAG Mr. Dhyan Chinnappa per contra contends that in our constitutional scheme, no organ of the State can claim superiority over the other, is true; each organ is supreme in the sphere constitutionally earmarked for it; all the branches of State function complimentary to each other; although the Parliament/Legislatures by their verdict cannot overturn the court judgments, it is always open to them for upsetting the same by altering the substratum on which such judgments are founded; the proposition canvassed by Mr. Dhyan Chinnappa cannot be much disputed in view of decision of the Apex Court in

G.C.KANUNGO Vs. STATE OF ORISSA, AIR 1980 SC 157
and its genre.

(b) The Single Judge and the Division Bench decided the validity of a provision of State legislation & Rules made thereunder *inter alia* on the basis of 2005 & 2009 Notifications issued by the Central Govt. u/s 7B (1) of the 1955 Act; it hardly needs to be repeated that these Notifications are a piece of subordinate legislation; by the said Notifications the Central Government granted certain rights & facilities to the OCI Cardholders; it is not that these rights/facilities were bestowed by the court itself; in exercise of the very power, the impugned Notification of 2021 has been issued by the Central Govt. restructuring the educational rights of OCI Cardholders and superseded the subject two Notifications of the yester decades, in its wisdom; thus, there is a demonstrable alteration of the substratum on which the said Judgments were founded; it is pertinent to refer to what **Thomas M Cooley** in his “**A TREATISE ON THE CONSTITUTIONAL LIMITATIONS**”, at Page 94 had quoted :

“... To declare what the law is, or has been, is a judicial power; to declare what the law shall be, is legislative. One of the fundamental principles of all

our governments is, that the legislative power shall be separate from the judicial.”

therefore, it is not a case of Executive reversing the Judicial Verdicts, sitting in appeal over the writ courts; the subject judgments did not interdict the issuance of impugned Notification or the like.

11. As to automatic revival of quashed provisions of State Law in view of issuance of 2021 Notification:

(a) In PRANAV V DESPANDE case this Court has struck down section 2(1)(r) of the Karnataka Professional Educational Institutions (Regulation of Admission and Determination of Fee) Act, 2006 and Rule 5 of Karnataka Selection of Candidates for Admission to Government Seats in Professional Educational Institutional Rules, 2006; this was done specifically on the ground that the State lacked legislative competence inasmuch as matter did not relate to *education* in terms of Entry 25 of the Concurrent List but it pertained to '*aliens*' in Entry 17 of the Central List; it was not a case treated under the doctrine of eclipse so that once the eclipse withers away, the efficacy of the law which was otherwise dormant, revives, as rightly contended by Mr. Ajoy

Kumar Patil in a right response to Mr. Dhyan Chinnappa's contention; to put it shortly & stoutly, the provision of law that is struck down is not revived by the impugned Notification.

(b) Mr. Patil ingeniously argues that once the gangrened part of the State legislation was amputated by the surgical act of the Writ Court in Pranav V Deshpande case and post judgment there being no change of legal regime, the OCI Cardholders having requisite domicile can claim admission to the government & supernumerary seats; this is bit difficult to concede; there is no change of State law after its bad part was struck down, is true; however there is a specific change of central law by virtue of subordinate legislation i.e., the issuance of impugned Notification, is truer; without the rights being granted by the Central law, the aliens cannot gain entry to the portals of the seats in question; for staking claim of the kind, there has to be a singularity of State and Central law; an argument to the contrary if accepted amounts to wrongly placing the Central Govt's power of dealing with aliens, at the hands of the States, contrary to the policy enacted in Part XI, Chapter I r/w item 17 of Central List of the Constitution; it

will be nothing short of shifting of the constitutional paradigm, which the Writ Court cannot undertake to venture.

12. As to examinations specified in impugned Notification are different from those in the CT Brochure - 2021:

The last contention of learned advocates appearing for the petitioners that the examinations contemplated under the CET Brochure - 2021 do not fit into the types of ones mentioned in the impugned Notification and therefore, the petitioners cannot be denied their claim for admission to the courses in question cannot be countenanced; the impugned Notification speaks of All India Entrance Tests; it also employs the expression '*such as National Eligibility cum Entrance Test, Joint Entrance Examination (Mains), Joint Entrance Examination (Advanced) or such other tests to make them eligible for admission ...*'; the examinations mentioned in the said Notification need to be construed on the principle of *ejusdem generis*; an interpretation in variance would defeat the very purpose of the Notification, as rightly contended by learned AAG, Mr. Dhyani Chinnappa; in fact, the pleadings of the petitioners are structured on that premise itself.

13. Innocent petitioners, Interim Orders and the Equity:

(a) The impugned Notification has been issued on 04.03.2021; at that time, the SLP challenging the Division Bench judgment of this Court was still pending before the Apex Court; the Respondent KEA issued the Admission Brochure on 10.06.2021 inviting applications from eligible candidates for CET 2021; there is contiguity of timing between the Division Bench Judgment, issuance of impugned Notification and the publication of CET Brochure; Petitioners have rushed to the Writ Court wasting no time and many of them have obtained interim orders from time to time; in a few matters interim orders were about to be passed, but were not since main matter itself was taken up for hearing; a Division Bench of this Court in W.A. Nos.932-933/1974 between **A.V.VINODA & ANOTHER vs. STATE OF KARNATAKA BY ITS COMMISSIONER & SECRETARY** disposed off on 11.12.1974, has held that identical litigants before the Court are entitled to identical interim reliefs.

(b) In more or less similar matters (NEET), the Apex Court is stated to have granted interim relief to students; in fact, it is on the ground of pendency of the said cases, learned ASG

had sought for deferring the disposal of these matters; the interim orders have fructified certain benefits in favour of petitioners; if a few other petitioners too granted the interim orders, such fructification would have happened in their favour as well; petitioners are all young & innocent minds who would be disillusioned & disappointed with the court, if the benefit granted to them by way of interim orders are abruptly snatched away, especially when there is no blameworthy conduct on their part, this Court is not only of law but also of *justice & equity*; circumstances of the case warrant that petitioners should be permitted to retain the benefit of interim orders; the same benefit needs to be extended to those of the petitioners who were entitled to the grant of interim order on the principle of parity, but were somehow not granted during the course of long hearing; at this eleventh hour they have nowhere to go, since time lines have expired; it is pertinent to recall what is said in Plato's

Republic:

"At twenty years of age, a selection must be made of more promising disciplines with whom a new epoch of education will begin".

In view of the above, these Writ Petitions being devoid of merits fail, costs having been made easy; however in the special circumstances of the case, all the petitioners are permitted to stake claim for admission consistent with the interim reliefs made in favour with many of them, subject to the eligibility & qualification; a period of ten days is granted to the petitioners to produce requisite documents before the Karnataka Examination Authority.

Before parting with this case, this Court places on record its appreciation for the assistance rendered by learned advocate Sri S.Yathish and by Sri Faiz Afsar Sait, Law Clerk-cum-Research Assistant.

**Sd/-
JUDGE**

cbe