

ITEM NO.57

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No.566/2017

YENEPOYA UNIVERSITY & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH W.P.(C) No.567/2017

Date : 21-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA

HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Mahesh Thakur, AOR
Ms. Farah Fathima, Adv.
Ms. Vipasha Singh, Adv.

For Respondent(s) Mr. R.K. Rathore, Adv.
Mr. Vibhu Shanker Mishra, Adv.
Mr. G.S. Makker, Adv.

Mr. Gaurav Sharma, AOR
Ms. Amandeep Kaur, Adv.
Mr. Prateek Bhatia, Adv.
Mr. Dhawal Mohan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Mukul Rohatgi, learned senior counsel for the petitioners and Mr. Gaurav Sharma, learned counsel for the Medical Council of India.

It is submitted by Mr. Gaurav Sharma that if the directions contained in "*Ruchin Bharat Patel vs. Parents' Association for the M/D Students and Others*" in I.A. Nos.9-10 & 11-12 in Civil Appeal No.4480 of 2006 are followed, in all

possibility, there will be no problem, though it was said to be one time arrangement in the said case. We have been apprised at the Bar that the said directions are being followed by different High Courts. The said directions read as follows:-

"1) The students be admitted as NRIs in NRI quota as against 15% : At least one of the parents of such students should be an NRI and shall ordinarily be residing abroad as an NRI;

2) The person who sponsors the student for admission should be a first degree relation of the student and should be ordinarily residing abroad as an NRI;

3) If the student has no parents or near relatives or taken as a ward by some other nearest relative such students also may be considered for admission provided the guardian has *bona fide* treated the student as a ward and such guardian shall file an affidavit indicating the interest shown in the affairs of the student and also his relationship with the student and such person also should be an NRI, and ordinarily residing abroad."

Mr. R.K. Rathore, learned counsel appearing for the Union of India shall obtain instructions in this regard. Let a copy of the petition along with the copy of the order be supplied to Mr. Rathore in the course of the day.

List the matter on 24th August, 2017.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Assistant Registrar