

**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 10768/2019

Mahatma Gandhi University Of Medical Sciences And Technology  
-----Petitioner

Versus

State Of Rajasthan & Ors.  
-----Respondents



For Petitioner(s) : Mr. Rajendra Prasad, Senior Counsel  
assisted by Mr. Saransh Saini, Adv.  
For Respondent(s) : Mr. Harshit Tholia, Adv. for  
Dr. Vibhuti Bhushan Sharma, AAG.

**HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

**Order**

**12/07/2019**

1. Petitioner by this writ petition assails the notification dated 29.04.2019 issued by the Director of Medical Education submitting that Directorate of Medical Education does not have the Authority to issue directions relating to NRI Quota. He further submits that it is essentially meant for Private Institutions in terms of judgment passed by the Supreme Court from time to time.

2. Learned counsel has invited attention to the fact that NRI Quota is being also provided in Government Institutions by the State by the impugned order dated 29.04.2019. Learned counsel also submits that guidelines which have been laid down under the said order were only meant for deemed universities alone as per Supreme Court's judgment passed in the case of **Consortium of Deemed Universities in Karnataka (CODEUNIK) & Anr. Vs. Union of India & Ors., W.P. (C) No.689/2017**, decided on

22.08.2017 and they cannot be extended to the Statutory University like the petitioner. Learned Senior Counsel also submits that under the Information Booklet issued by the State Government they have included aforesaid order dated 29.04.2019 as part of the Information Booklet to lay down a criteria for admission to NRI seats while such criteria can at best be laid down by the Permanent Committee formed by the Government on 29.10.2003 in view of the directions issued by this Court in the case of **Vipul Garg Versus State of Rajasthan (D.B. Civil Writ Petition No.4862/2003)** and in terms of the order passed by the Supreme Court in the case of **Islamic Academy of Education & Anr. Versus State of Karnataka & Ors. (2003) 6 SCC 697**. Learned counsel submits that the order dated 24.08.2011 had laid down the definition of NRI and Ward in terms of the recommendations of the Permanent Committee which has been superseded by the impugned order without any such recommendation from the said Committee and is thus unjustified and prays to restrain the operation of order dated 29.04.2019.

3. Considering the submissions made at Bar, this Court prima facie finds that NRI Quota is essentially meant for Private Institutions and has to be filled in accordance with guidelines if any to be laid down by the Permanent Committee formed for the purpose of admission in Private Medical Institutions in terms of judgment passed by the Supreme Court in Islamic Academy of Education & Anr. Versus State of Karnataka & Ors. (supra) as noted above. NRI Quota for State Government Institutions is also not available in terms of the judgment passed by the Supreme Court and it appears that prima facie State Government has taken

upon itself to fill NRI Quota by the order dated 29.04.2019 which goes contrary to law laid down in **T.M.A. Pai Foundation & Ors. Versus State of Karnataka & Ors., (2002) 8 SCC 481.**

4. Issue notice of the writ petition as also of stay application.

5. In the meanwhile, the process of admission for NRI Quota in terms of the order dated 29.04.2019 shall remain stayed. No admissions in NRI Quota shall be made till the next date. Copy of this writ petition be made available to counsel for the State as well as to Mr. Angad Mirdha, Standing Counsel appearing for the MCI. Names of Mr. Angad Mirdha, Adv. and Dr. Vibhuti Bhushan Sharma, AAG be shown in the cause list. They will take instructions and file their reply before the next date.

6. List on 22.07.2019.

(SANJEEV PRAKASH SHARMA),J

Ramesh Vaishnav /86

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