

**HGRJ & KSMJ:**

01.08.2017

**1.** The question raised in these petitions is, whether the petitioners who are *Overseas Citizens of India cardholders* and who are *National Eligibility Cum Entrance Test (UG) 2017* qualified, are eligible to apply for admission to I year MBBS/BDS course in the deemed Universities under the *management quota seats*.

**2.** We have heard Sri Ajoy Kumar Patil, learned counsel appearing for the petitioners, Sri Prabhuling K Navadgi, learned Additional Solicitor General appearing for respondent Nos.1 to 3 and Sri N.Khetty, learned counsel for respondent No.4-Medical Council of India.

**3.** The petitioners claim that they are eligible to be considered for admission under the *management quota seats* in the deemed Universities. In support of their claim, they refer to the order of this Court dated 07.07.2017 passed in W.P.No.23448/2017 and connected writ petitions relating to admission of *Overseas Citizens of India cardholders* to I year MBBS/BDS course in Karnataka, wherein this Court has passed the following order:

"13. In the result, we hold that *Overseas Citizens of India cardholders* who are NEET UG 2017 qualified shall be entitled to be treated on par with *Non-Resident Indians* in the matter of

admission to I year MBBS/BDS course for the academic year 2017-18. Further, if they are eligible for admission under various categories of seats as per the relevant Acts and/or Rules governing admission to I year medical/dental course in Karnataka for the academic year 2017-18, they shall be considered for admission under all such categories of seats.”

**4.** It is stated that as per the interim direction issued by the Hon’ble Supreme Court on May 9, 2017 in Writ Petition (Civil) No.267/2017 and connected writ petitions, common counselling for admission to deemed universities shall be conducted by Director General of Health Services (DGHS) who is respondent no.3 herein.

**5.** Learned counsel for the petitioners submits that respondent no.3-Director General of Health Services, who is holding the Counselling, is not permitting the petitioners to apply for *management quota seats* available in the deemed universities.

**6.** On being asked by the Court as to the correctness of the aforesaid submission, Sri Prabhuling K Navadgi, learned Additional Solicitor General states that he has no instructions to make any statement on the question raised in these petitions.

**7.** Sri N.Khetty, learned counsel for respondent No.4-Medical Council of India submits that *Overseas Citizens of India cardholders* who are NEET UG 2017 qualified are

eligible to apply for *management quota seats* available in the deemed Universities as there is no bar in law.

**8.** It is not shown to us that there is any bar in law to *Overseas Citizens of India cardholders*, who are *National Eligibility Cum Entrance Test (UG) 2017* qualified, to apply for *management quota seats* in the deemed Universities. Hence, we deem it appropriate to make the following interim order:

The petitioners and similarly situated *Overseas Citizens of India cardholders*, who are NEET UG 2017 qualified, are eligible to apply for admission to I year MBBS/BDS course under *management quota seats* in the deemed Universities. It is stated that the first round of counselling is already over. Hence, their claim for *management quota seats* shall be considered in the second round of counselling.

**9.** The learned Additional Solicitor General is requested to communicate this order to respondent No.3-Director General of Health Services and to notify this order on its website for the benefit of *Overseas Citizens of India cardholders*. Sri N.Khetty, learned counsel appearing for Medical Council of India states that this order will be notified on the website of the Medical Council of India.

The learned Additional Solicitor General prays for time till 28.08.2017. Accordingly, list these petitions on 28.08.2017.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

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