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No.: PNS/AMUPMDC/2007/

th April 2007

TO,
DEAN,
MAHATMA GANDHI MISSION 'S DENTAL COLLEGE & HOSPITAL,
Junction of NH-4 & Sion Panvel Expressway,
Sector-18, Kamothe,
Navi-Mumbai.

Dear Sir,

Sub : Admission in NRI Quota for academic Year 2006-2007.

1. The Hon'ble Supreme Court in the case of P.A. Inamdar and others Vs. State of Maharashtra and others reported in (2005) 6 SCC 537 has extensively dealt with various issues, pertaining to admissions to be granted for Professional Private Educational Institutions. In this Judgement, the Hon'ble Supreme Court has also dealt with the issue of NRI students as also NRI quota available for Private Professional Educational Institutions. In the process of grant of admissions to such Institutions by their Managements, particularly in Paragraph 131 of the aforesaid Judgement, the Hon'ble Supreme Court has made observations that are self-explanatory. Towards the end of this paragraph, the Hon'ble Supreme Court has observed that to prevent misutilization of such quota or any malpractices with reference to NRI quota seats, suitable legislation or regulation needs to be framed. It is further observed that so long as the State does not do it, it will be for the Committee constituted pursuant to the directions in Islamic Academy to regulate.

2. In view of these observations from Para 131 of the aforesaid Judgement and in absence of suitable legislation or regulation framed by the State, this Committee therefore, undertook the requisite exercise to verify the legality, truth and correctness of the admissions granted by

Private Professional Educational Institutions to the students against NRI quota seats. This Committee is duty bound to shoulder the responsibility of preventing misutilization of NRI quota as also any malpractices committed by the Private Professional Educational Institutions in the grant of admissions to NRI quota seats.

3. On an earlier occasion, this Committee had held a meeting on 18th July, 2006 and had made certain observations in regard to this issue of admissions granted against NRI quota, provided in Private Medical & Dental Colleges. The abstract of the Minutes of the Meeting was forwarded to the Association of Managements of Un-aided Medical & Dental Colleges alongwith the communication dated 4th September, 2006. In these Minutes, this Committee had interalia observed that the term 'ward' of NRI cannot be given its wider generic interpretation / quotation and that the same will have to be read in the context in which said phrase / word has been used namely viz. children of NRI's or the candidates who have been legally adopted by them.

4. The Association aforementioned filed Writ Petition No. 4711 of 2006 in the Hon'ble Bombay High Court, Bench at Nagpur and the Hon'ble High Court was pleased to quash and set aside the decision of this committee taken in its meeting held on 18th July, 2006, by its Judgement and Order dated 26th September, 2006. The observations made by the Hon'ble High Court in this Judgement demonstrate that permission is granted by the Hon'ble Supreme Court in admitting not only children but also 'wards' of NRI's as against NRI quota seats. The observations from the aforesaid Judgement show that the term 'ward' cannot be restricted only to adopted children. In coming to such a conclusion, the dictionary meaning of the word 'children' is considered which included adopted children, step children, issue after born, illegitimate child. In as much as the term 'ward' is concerned, it is observed in the aforesaid Judgement that the word 'ward' is defined in Wharton's Law Lexicon as child under guardianship. In short, the Hon'ble High Court has held that the Private Professional Educational Institutions are entitled to grant admissions as against NRI quota seats not only to the children of NRI's but also to the 'wards' of NRI's and 'children under guardianship' of NRI as well.

5. While considering the issue of legality and correctness of the admissions granted as against NRI quota seats, the observations made by the Hon'ble Supreme Court in the initial portion of the aforesaid paragraph 131 from the Judgement delivered in the case of P.A. Inamdar (Supra) have also to be borne in mind which show that by and large, the Hon'ble Supreme Court has noticed in cases after cases coming to it that neither the students who get admissions in the NRI quota nor their parents are NRI's. It is further observed that in fact and reality under this category, less meritorious students who can afford to bring more money, get admission. This Committee is required / expected to prevent the grant of admissions to exactly such students who are neither themselves nor their parents are NRI's. This Committee is of the view that grant of admissions to students who are themselves not NRI's or whose parents are not NRI's as also who are not under guardianship of NRI's, amounts to misutilization of the NRI quota and therefore, further amounts to malpractices adopted by Private Professional Educational Institutions in the grant of admissions to NRI quota seats.

6. This Committee therefore has called for all the relevant information from various Managements /Colleges who claimed to have granted admissions to students as against NRI quota seats. This information was called to verify as to whether the admissions in fact have been granted to the students who fall in any of the following categories :-

- (i) The student himself / herself is NRI.
- (ii) Natural parents of the students are NRI.
- (iii) The guardians of the student are NRI.
- (iv) The student can legitimately and legally claim to be a 'ward' of NRI.

In this regard, the Committee had correspondence with all the Medical & Dental Colleges in particular, who claimed to have granted admissions to students as against NRI quota seats. The short chronology of events in this regard is as under :

Date	Event
28 th Sep.2006	AMUPMDC was informed that the admissions will be cancelled if found illegal & will treat Such seats 'Vacant'. AMUPMDC was informed to instruct the member colleges to submit the list of students admitted in NRI Quota along with details.
30 th Sep.2006	PNS reiterated that the member colleges shall submit the list of student admitted under NRI Quota along with requisite details.
1 st Oct. 2006	PNS declared all seats under NRI Quota as vacant.

7. In some of the cases, though very few, the Committee found that the parents of the student in fact were NRI's, the Committee has accordingly approved such admissions immediately and has accordingly communicated to the concerned Educational Institutions. Unfortunately, however, in large number of cases, almost all barring few, the Committee found that admissions have been granted to such students who are neither children nor wards of NRI's, as contemplated by the letter and spirit of aforesaid paragraph 131 of the Judgement of the Hon'ble Supreme Court delivered in the case of P.A. Inamdar (Supra). In these large number of cases, the documents submitted as a proof or evidence of the fact that the student to whom the admission has been granted against NRI quota seat is a 'ward' of NRI are as under.

1. Affidavit
2. Undertaking
3. Declaration

8 In none of these cases, the Managements /Colleges were able to produce even a scrap of paper in support of the claim that the student admitted against NRI quota seat is a 'ward' or can legally claim to be a 'ward' of NRI. If both the parents of the student so admitted are alive and such a student is staying permanently with his /her parents and if there is not even a semblance of the circumstance to show as to why and how a NRI should treat such a student as his /her 'ward', it is impermissible to consider such a claim for admission as valid and legal. In all these cases, the Committee has formed an opinion that the NRI's in fact are none else than the sponsor of such students who are lesser meritorious and to whom the admissions have been granted ex-facia

because they could afford to bring more money for getting such an admission. It appears to be a clear case of sale of valuable seat from Medical Colleges / Dental Colleges to those who can afford to buy them.

9 In view of the aforesaid facts and circumstances, the Committee is of the clear view that these admissions granted, is clearly misutilization of NRI quota and certainly amounts are malpractices adopted by these Managements / Colleges. The Committee therefore, hereby once again confirms and re-affirms its original decision of not approving these admissions granted by Managements / Colleges against NRI quota seats.

10 It is pertinent to note that as set out in the aforesaid chronology of events, this Committee has specifically refused to approve these admissions granted by Managements / Colleges against NRI quota seats. However, on the request of the Managements / Colleges, and in view of the Judgement delivered by the Hon'ble Bombay High Court, Bench at Nagpur in Writ Petition No. 4711 of 2006 dated 26th September, 2006, this Committee has re-considered the claims of the Managements /Colleges made in this regard. In spite of repeated opportunities granted to the Managements / Colleges to substantiate their claims that the admissions in issue have been granted to the children and wards of NRI's, the Managements / Colleges have miserably failed to discharge the burden and proof of legality, validity and correctness of these admissions. Consequently, this Committee is constrained to re-affirm and confirm its original decision, not to approve these admissions that has been communicated to these Managements /Colleges.

11. Particularly in regard to Mahatma Gandhi Mission's Dental College & Hospital Navi-Mumbai, the Committee hereby reiterates its decision not to approve admissions granted to the following students :-

For better understanding, the documents submitted by the Managements / Colleges are also mentioned hereunder as against each of the student

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Sr.	Candidate Name	Document if an NRI candidate is admitted against NRI Quota
1	Pooja Shyam Katara	Undertaking of Gaurdian
2	Pooja Bhoja Shetty	Undertaking of Gaurdian
3	Akshay Ashok Wadhankar	Undertaking of Gaurdian
4	Malik Shehabaz Hamid	Undertaking of Gaurdian
5	Poonam Rahul Patel	Undertaking of Gaurdian
6	Shubhada Vijaykumar Sharma	Undertaking of Gaurdian
7	Zamindar Sheque Furgan	Undertaking of Gaurdian
8	Shah Farah Deebea Amir	Undertaking of Gaurdian
9	Phulwani Teena Rajkumar	Undertaking of Gaurdian

(A.C. AGARWAL)
CHAIRMAN