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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8114/2026 & CM APPL.-38674-2026**

**AARAV DHAWAN MINOR THROUGH HIS FATHER AND
NATURAL GUARDIAN**

.....Petitioner

Through: **Mr. Rishi Manchanda and Mr.
Siddharth Mullick, Advs.**

versus

GOVERNMENT OF NCT OF DELHI & ORS.

.....Respondents

Through: **Ms. Aliza Alam and Ms. Avnish
Ahlawat, SC, NSUT**

**CORAM:
HON'BLE MR. JUSTICE VINOD KUMAR**

**ORDER
25.06.2026**

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1. The petitioner is Overseas Citizen of India (in short 'OCI') and is willing to participate in Joint Admission Counselling (in short 'JAC') process as an Indian National in Delhi. However, she could not register on JAC Delhi Portal for participation in counseling process because he was not considered as Indian National by JAC.

2. Learned counsel for the petitioner has heavily relied upon **Anushka Rengunthwar v. Union of India, AIR 2023 Supreme Court 903**, in which it held that the notification dated 04.03.2021 is prospective in its applicability and that *"the petitioners in all these cases and all other*



similarly placed OCI Card Holders will be entitled to the rights and privileges which had been conferred on them earlier to the notification dated 04.03.2021 and could be availed by them notwithstanding the exclusion carved out in notification dated 04.03.2021” (See Para 58). Learned counsel for the petitioner submits that prior to the notification dated 04.03.2021, the OCI Card holders were given the right to participate with Non Resident Indians (NRIs) in respect of facilities as notified including in the field of education, who in turn had the parity with Indian citizens. Pursuant to this judgment, the OCI Card holders were treated at parity with Indian citizens and this is the reason that except in Delhi, all OCI Card holders prior to 04.03.2021 are being treated at parity with Indian citizens. The attention of this court has been drawn to the brochures of various notifications for example in notification of the JAC Chandigarh programe divides the OCI, PIO candidates in three categories as follows:

- (i). Those OCI/PIO candidates who have obtained their OCI/PIO cards subsequent to 04.03.2021 are considered as foreign national candidates and are governed by the eligibility conditions contained herein for the foreign national candidates. For ease of convenience, these candidates are NOT eligible for seat allotment in JAC Chandigarh system.
- (ii). Those OCI/PIO candidates who have obtained their OCI/PIO cards before 04.03.2021 AND choose to be considered as foreign nationals, are governed by the eligibility conditions contained herein for the foreign national candidates and are also referred to as OCI/PIO(F).



The OCI/PIO(F) candidates will NOT be eligible for seat allocation in JAC Chandigarh system.

(iii). Those OCI/PIO candidates who have obtained their OCI/PIO cards before 04.03.2021 AND choose to be treated as par with Indian nationals, are governed by eligibility conditions contained herein for the Indian national candidates and are referred to as OCI/PIO (1).

3. It is submitted that the petitioner had obtained the OCI Card before 04.03.2021 and therefore has to be treated at par with Indian Nationals. Learned counsel for the petitioner submits that first phase of counseling is over and now second phase of counselling would be conducted by JAC from 26.06.2022 to 28.06.2026. It is argued that the candidates are required to apply through online application but it shows only two options i.e. Indian National or Foreign National. There is no column for OCI Card holders, therefore, the petitioner could not register for counseling being done by the respondent no.3. It is accordingly prayed that the respondent no.3 may be directed to allow the petitioner to register and participate in counselling programme of respondent no.3.

4. Learned counsel for the respondents have strongly opposed this petition submitting that a Joint Admission Counselling (JAC) for admission to Undergraduate Programme in Delhi Government funded premier universities offering Engineering and Architecture programmes started in the year 2014 to avoid multiple counseling and save candidates and their guardians from inconvenience because of shifting of students from one institution to another during admission process. It is submitted that the eligibility condition governing admissions through JAC Delhi were



published well in advance through admission brochure and were available in the public domain prior to commencement of the admission process. All candidates including the petitioner were required to assess their eligibility and participate in admission process in accordance with notified conditions in the admission brochure of JAC-2026 which is Annexure –R-1. It is submitted that any deviation in the whole scheme will hamper the admission process.

5. Learned counsel for the respondent no.3 submitted that admission framework applicable to resident Indian Nationals and the admission framework applicable to OCI/EOIO/NRI candidates operate through distinct and independent mechanism. It is submitted that the admission to Undergraduate Engineering programmes in participating institution through JAC Delhi are conducted against seats earmarked for Resident Indian Nationals in accordance with JAC Delhi admission brochures, whereas admission of OCI/EOI/NRI candidates are governed through Direct Admission of Students Abroad (DASA) scheme and the rules applicable thereto, as per the guidelines and notification issued by Ministry of Education, Government of India. It is submitted by learned counsel for the respondent no.3 that permitting the petitioner who appeared in JEE (Main) under the OCI/PIO category, to participate in the JAC Delhi Counselling process on parity with Indian Nationals would effectively allow a candidate belonging to one admission channel (DASA) to seek admission under another admission channel (JAC), contrary to the notified eligibility framework. It is submitted that such a course would not only be inconsistent with the admission brochure but would also result in differential treatment *vis a vis* other similarly situated OCI/PIO candidates who are required to



seek admission through DASA system. Accordingly, it is argued that the petitioner can go through the DASA mechanism. It is further argued by learned counsel for the respondent no.3 that present case is distinguishable from the circumstances considered by Hon'ble Supreme Court in the judgment of **Anushka Rengunthwar** (Supra). It is submitted that the said case arose in context of medical admissions through the NEET-UG framework, where admissions to MBBS programmes are channeled through a common national admission mechanism. On the other hand, engineering aspirants have access to multiple admission avenues and counseling mechanisms across the country.

6. I have considered the rival submissions. I disagree with the submission of learned counsel for the respondent that the ratio of the judgment in **Anushka Rengunthwar** (Supra) is not applicable to the present case. In the said judgment, the Supreme Court of India has held that the OCI Card holders prior to 04.03.2021 are entitled to the rights and privileges which had been conferred upon them earlier to the notification dated 04.03.2021. In this judgment, it has been noted that as per notification dated 11.04.2005, the OCI Card holders were given parity with NRIs in educational fields. Under the notification dated 05.01.2009, the OCI Card holders students were entitled to appear for All India Pre-medical Test. A harmonious reading of notification dated 11.04.2005 and 05.01.2009 leads to the conclusion that OCI Card holder students have parity to NRI and therefore they claim to NRI quota seats. Further, in a meeting of committee of Secretaries held on 19.07.2018 it was agreed that OCI Card holders may be treated at par with NRI but they are not eligible against the seats meant for Indian citizens. Thereafter a consolidated notification dated 04.03.2021



was issued whereby earlier notification of 2005, 2007 and 2009 were incorporated. However, till issuance of notification dated 04.03.2021 OCIs were entitled to seek admission to all seats like NRIs were and not restricted to only NRI seats. But the notification dated 04.03.2021 restricts the OCIs to compete only for the seats reserved for NRIs. Therefore, the Supreme Court held that the notification dated 04.03.2021 is prospective in nature and the OCI Card holders prior to 04.03.2021 would be eligible to seek admission for the seats meant for Indian citizens. As the petitioner was issued OCI Card in the year 2019 i.e. prior to notification dated 04.03.2021. He will have to be treated in the same manner as the notification issued by JAC Chandigarh programme which says that those OCI/EIO candidates who have obtained their OCI Card before 04.03.2021 and choose to be treated at par with Indian Nationals are governed by eligibility conditions contained herein for Indian National candidates and are referred to as OCI/PIO (1).

7. In these circumstances, the respondent no.3 is directed to allow the petitioner to register herself for counseling physically from 26.06.2026 to 28.06.2026 which are the dates specified for counseling in brochure of JAC programme (Annexure-A). A direction for physical registration has been issued because it is informed that no option is provided for OCI candidates to register for online counselling. However, if online arrangement is being made by the respondent no.3, the petitioner can register for online counseling also. It is made clear that opinion expressed above is only prima-facie in nature and would be subject to final decision of writ petition. Therefore, the participation of the petitioner in counseling held by JAC will not create any right of admission in favour of petitioner at present.

8. Be listed before the Roster Bench on 16.07.2026.



9. Copy of order be given '*Dasti*' to the parties.

**VINOD KUMAR
(VACATION JUDGE)**

JUNE 25, 2026/v6