

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

WRIT PETITION No.24609 of 2021 (GM-RES)

R

BETWEEN:

DR. BHANU C. RAMACHANDRAN,
AGED ABOUT 24 YEARS,
D/O SRI N.RAMACHANDRAN,
NO. 920/2, GOPALSWAMY SHISHUVIHARA ROAD,
LAKSHMIPURAM,
MYSURU-570 004.

... PETITIONER

(BY SRI KIRAN. B. S., ADVOCATE)

AND:

- 1 . THE UNION OF INDIA,
MINISTRY OF HOME AFFAIRS
(FOREIGN DIV.)
MAJOR DHYAN CHAND NATIONAL STADIUM,
NEAR PRAGATI MAIDAN,
NEW DELHI -110 001.
REP. BY HOME SECRETARY
- 2 . THE STATE OF KARNATAKA,
MEDICAL EDUCATION DEPARTMENT,
#610, 6TH FLOOR, 4TH GATE,
M S BUILDING,
BENGALURU-560 001.

REP. BY PRINCIPAL SECRETARY

- 3 . THE IMMIGRATION OFFICER,
O/O FRRO, BUREAU OF IMMIGRATION,
5TH FLOOR, 'A' BLOCK,
BMTC BUS STAND BLDG.,
SHANTHI NAGAR,
K H ROAD,
BENGALURU-560 027.
- 4 . THE EXECUTIVE DIRECTOR,
KARNATAKA EXAMINATIONS AUTHORITY,
MALLESHWARAM,
BENGALURU-560 012.
- 5 . THE DIRECTOR,
DIRECTORATE OF MEDICAL EDUCATION,
ANANDA RAO CIRCLE,
BENGALURU-560 009.
- 6 . THE PRINCIPAL,
MANDYA INSTITUTE OF MEDICAL SCIENCES,
MANDYA,
KARNATAKA-571 401.

...RESPONDENTS

(BY SRI H.SHANTI BHUSHAN, DSGI A/W.
SMT. RESHMA. K. THAMMAIAH, CGC FOR R1 AND R3
SRI B.V.KRISHNA, AGA FOR R2 AND R5
SRI N.K.RAMESH, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUING THE EXIT PERMIT TO PETITIONER. RESTRAINING RESPONDENTS FROM INITIATING ANY UNLAWFUL ACTION AGAINST PETITIONER AND ETC.,

THIS WRIT PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 09.03.2023, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner is before this Court seeking a direction by issuance of a writ in the nature of mandamus directing the 1st and 3rd respondents/Union of India and the Bureau of Immigration to issue exit permit to the petitioner and has further sought a writ in the nature of prohibition restraining the respondents from initiating any action against the petitioner.

2. *Shorn* of unnecessary details, the facts in brief, are as follows:-

The petitioner is born to one Sri N.Ramachandran and Smt. Nagamani Ramachandran both of whom were citizens of India and residents of United States of America ('USA'). The petitioner was born on 05-02-1997 in Nashville, Tennessee, USA. On the birth of the petitioner, the parents of the petitioner registered her birth before the Indian Embassy in USA. Later, the petitioner was also issued a passport of USA. On the strength of the said passport which was valid till 12-09-2004, the petitioner enters India on a

tourist Visa on 23-06-2003, at which point in time, the petitioner was aged 6 years and a minor. She was admitted to the Primary School and in due course she completes her education up to 12th standard or the Pre-University. On 05.02.2015 the petitioner attains the age of 18 years and on 30.03.2015 finding herself eligible to take the Common Entrance Test, 2015 ('CET') which was being conducted by the 4th respondent/Karnataka Examinations Authority, applies, participates by declaring her nationality to be an Indian and secures 571st rank and was allotted medical seat in the Mandya Institute of Medical Sciences under the quota reserved for candidates sponsored by Government. The petitioner completes her education i.e., MBBS.

3. The petitioner did not renounce her citizenship or the nationality of USA after becoming a major. She applies for a fresh passport with the US Consulate General which accepts the application of the petitioner and grants a passport of USA to be valid till 16-03-2022. After acquisition of the said passport on 17-03-2021, the petitioner files an application before the Bureau of Immigration for grant of exit permit. Refusal of grant of exit permit

to the petitioner to pursue further studies in USA is what drives the petitioner to this Court in the subject petition.

4. Heard Sri B.S. Kiran, learned counsel appearing for the petitioner; Sri H.Shanti Bhushan, learned Deputy Solicitor General of India appearing for respondents 1 and 3; Sri B.V.Krishna, learned Additional Government Advocate appearing for respondents 2 and 5 and Sri N.K. Ramesh, learned counsel appearing for respondent No.4.

5. The learned counsel appearing for the petitioner would contend with vehemence that when the petitioner came to India in the year 2003 she was a minor and the mother was a single parent. She was unaware of consequences of either the Citizenship Act of the country or nuances of the passport. He would admit that she did participate in the CET 2015 as an Indian, secures a seat and completes her MBBS. The learned counsel would submit that in terms of Section 4(1)(b) and 4(1A) of the Citizenship Act, 1955 ('the Act' for short) the petitioner is deemed to be declared to be Indian as the birth of the petitioner was registered in the Indian Consulate at USA. He would also submit that since 2003 she has

been residing in India and, therefore, on the basis of domicile she is entitled to a citizenship and a consequent exit permit to move out of the country and pursue her career in USA. The refusal to issue exit permit or any other no objection would take away the fundamental right of the petitioner to travel is what is projected by the learned counsel for the petitioner.

6. On the other hand, the Deputy Solicitor General of India would vehemently refute the submissions of the petitioner by taking this Court through the documents appended to the petition to demonstrate that the petitioner comes into this Country not on the strength of any passport issued by this country but on a tourist Visa which expired in the year 2003 itself and on a passport of USA which expired in the year 2004 itself. Therefore, the stay of the petitioner from 2003 after expiry of tourist Visa is unlawful and contrary to the Foreigners Act, 1946. By no stretch of imagination the petitioner can claim to be a citizen of this country, more so, in the light of the fact that she is declared to be a citizen of USA in the year 2021 and a passport being US citizen is also issued to the

petitioner. He would seek dismissal of the petition and also prays for a direction to initiate proceedings against her.

7. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

8. The afore-narrated facts, though not in dispute, require elaboration. The birth of the petitioner takes place in USA on 05-02-1997. On the birth of the petitioner, as required in law, the birth of the petitioner was registered before the Indian Consulate General/Embassy on the strength of a certificate of live birth issued by the Tennessee Department of Health, USA and was accordingly issued a passport depicting herself to be a citizen of USA. The petitioner then arrives into the shores of this nation on a tourist Visa for multiple entry issued by the Bureau of Immigration on 18-06-2003 for a period of six months which was to expire on 17-12-2003. The Visa details read as follows:

"Visa Number	L221363
Date of Issue	18-06-2003
Valid for	Multiple entry
Place of Issue	United States of America Washington DC

Expiry Date	17-12-2003
Visa Type	TOURIST VISA".

(Emphasis added)

In terms of what is extracted hereinabove the type of Visa that was granted to the petitioner at USA was Tourist Visa and its expiry was to be on 17-12-2003 as it was granted for a period of six months. The petitioner enters the shores of this nation on 23-06-2003. Her stay in the country was to expire on 17-12-2003. The petitioner does not get the Visa renewed or would she seek any other permission to stay on this land, but continues to stay, gets admission in a school, completes her education i.e., primary school – 2nd year Pre-University course and attains majority i.e., 18 years on 05-02-2015.

9. The petitioner then participates in the Common Entrance Test 2015 – CET 2015 conducted by the Karnataka Examinations Authority declaring herself to be an 'Indian'. On the application of the petitioner depicting her to be an Indian, the CET allots a seat in MBBS under the Government quota in favour of the petitioner to be admitted to Mandya Institute of Medical Sciences. In the year 2020 the petitioner completes her MBBS and wanted to pursue further

career in USA. Therefore, she applies for a fresh passport before the US Consulate General on the ground that she has not renounced her citizenship or nationality of USA before completion of six months after attaining majority. Accepting the cause, the US Consulate General issues a passport to the petitioner on 17-03-2021 for a period of one year which was said to expire on 16-03-2022. After the passport coming into the hands of the petitioner, she applies to the Bureau of Immigration for grant of exit permit. It is then the Bureau of Immigration or the Union of India gets to know the history of the petitioner. The exit permit was refused. Then, the petitioner submits a representation on 06-07-2021 to the 6th respondent/College where she pursued her MBBS to indicate what would be the fees of NRI Nationals as applicable and to recover the same so that exit permit would be granted. This was in furtherance of several electronic mail correspondences between the 3rd respondent and the petitioner. The e-mail trail is germane to be noticed. It begins on 1-07-2021 and runs through 6-07-2021 and would read as follows:

"Exit Permit Clarifications

Thu, 1 Jul, 2021 at 11:55 am

Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>
To: bhanushree52@gmail.com

To
Dr. Bhanu C Ramachandran,

With regard to your application seeking Visa extension and based on the discussions held at our office, you are required to earnestly reply the below mentioned queries-

A. Explain the reason for overstay.

B. Provide a brief account of your activities and the places you visited in India apart from Bangalore.

C. Kindly state your profession, if employed provide the firm you are employed with and your designation.

D. Attach a copy of your Domicile Certificate, Driving License, Pan card, Aadhar Card.

E. Provide a statement from your mother, stating that you live along with her in your own house. Attach a copy of electricity bill.

Your early reply in this regard, would lead to further processing of your application.

Immigration officer
O/oFRRO
Bureau of immigration
Bangalore.

Thu, 1 Jul, 2021 at 3:43 pm

Bhanu Ramachandran <bhanushree52@gamil.com>
To: Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>

To

Mr Sudeep Kumar

*I have applied for an EXIT PERMIT.
Kindly let me know whether there has been any
misunderstanding regarding the nature of my request.*

Dr Bhanu C Ramachandran

Fri, 2 Jul, 2021 at 8:41 am

Bhanu Ramachandran <bhanushree52@gmail.com>
To: Sudeep Kumar CForm FRRO <cform-frroblr-
ka@nic.in>

Dear Mr Sudeep Kumar

Thank you for your response.

*Herewith I have enclosed my responses respectively as
asked. I have answered as earnestly as I can.*

I have also enclosed copies of

- 1. Aadhar card*
- 2. PAN card*
- 3. Drivers license (duplicate as my initial one was stolen)*

*Also kindly correlate the name on the electricity bill
enclosed to be that of late Dr D V Chandrashekar, my
mother's father, as mentioned in her passport/documents
submitted.*

***As I mentioned in the meeting at FRRO Bengaluru, I
have never been issued a Domicile certificate as I
never switched schools in between, nor way any
such thing requested by my colleges at the time of
admission. However, I have enclosed a series of my
marks cards from the years of my schooling as
residence proof that I never changed my address.
Kindly consider the same.***

Please provide a contact number for me to contact in case of any emergency as none of the online numbers work and the website does not provide me any updates.

I look forward to hearing from you

Dr Bhanu C Ramachandran

Fri, 2 Jul, 2021 at 8:44 am

Bhanu Ramachandran <bhanushree52@gmail.com>

To: Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>

Mr Sudeep Kumar

Herewith I have attached the letter from my mother as well as the electricity bill as requested. It failed to attach to the previous mail.

Dr Bhanu C Ramachandran

On Thu, Jul, 2021 at 11:55 AM Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in> wrote:

bhanushreecr

Fri, 2 Jul, 2021 at 12:01 pm

Bhanu Ramachandran <bhanushree52@gmail.com>

To: Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>

Fri, 2 Jul, 2021 at 12:01 pm

Dear Mr Sudeep Kumar

I have mailed all the requested documents. I have not received any response.

Kindly acknowledge that you have received the same

Dr Bhanu C Ramachandran.

Fri, 2 Jul, 2021 at 1:41 pm

*Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>
To: bhanushree52@gamil.com*

To

Dr. Bhanu C Ramachandran,

We have received your mail and your application is under due process, you would receive further updates on the status of your application over sms and email.

Regards

*Immigration Officer
O/o FRRO
Bureau of Immigration
Bangalore*

*From: bhanushree52@gmail.com
To: "Sudeep Kumar CForm FRRO" <cform-frroblr-ka@nic.in>
Sent: Friday, July 2, 2021 12:01:32 PM
Subject: Re: Exit Permit Clarifications*

*Bhanu Ramachandran <bhanushree52@gmail.com>
To: Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>*

Dear Mr Sudeep Kumar

Thank you for your response and correspondence.

Since I have updated all the necessary documents through the website, email as well as during the face to face interview, will I be getting the fine payment challen through the website?

*I look forward to hearing from you
Thanks*

Dr Bhanu C Ramachandran

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On Thu, 1 Jul, 2021, 11:55 am Sudeep Kumar CForm FRRO, <cform-frroblr-ka@nic.in>wrote:

Mon, 5 Jul, 2021 at 9:41 am

*Sudeep Kumar CForm FRRO <cform-frroblr-ka@nic.in>
To: bhanushree52@gmail.com
Mon, 5 Jul, 2021 at 9:41 am*

*To
Dr. Bhanu C Ramachandran,*

As informed in the trailing mail, kindly be patient as your application is under due process, you would receive further updates on the status of your application over SMS and email

Regards

*Immigration Officer
O/o FRRO
Bureau of Immigration
Bangalore*

*From: bhanushree52@gmail.com
To: "Sudeep Kumar CForm FRRO" <cform-frroblr-ka@nic.in>
Sent: Friday, July 2, 2021 2:10:18 PM
Subject: Re: Exit Permit Clarifications*

Tue, 6 Jul, 2021 at 7:39 pm

*Bhanu Ramachandran <bhanushree52@gmail.com>
To: Sudeep Kumar CForm FRRO<cform-frroblr-ka@nic.in>
Tue, 6 Jul, 2021 at 7:39 pm*

Dear Mr Sudeep Kumar

Thank you for your guidance regarding my case.

I have herewith attached the brochure regarding the eligibility criteria for writing kcet as well as obtaining a government seat.

Kindly refer to page 3 & 12 of the same.

Thank you for your time and consideration

Dr Bhanu C Ramachandran"

(Emphasis added)

The Bureau of Immigration communicates to the petitioner seeking to explain the reason for overstay and provide brief account of the activities of the petitioner and also sought attachment of Domicile Certificate, Driving Licence, Pan Card, Aadhar Card, if available. The petitioner enclosed Aadhar Card, Pan Card and Driving Licence. So, the petitioner has secured all the necessary requirements to stay in India without being an Indian. Domicile certificate is not furnished as the petitioner had never sought and was never issued any domicile certificate. What was submitted was Aadhar Card, Pan Card and Driving Licence. The trail mail was not satisfactory to the 3rd respondent to issue any exit permit. The College to which the petitioner had applied seeking information is replied by the 6th respondent/College on 08-07-2021 and the reply assumes significance. It reads as follows:

" Date: 08.07.2021

To,

The Director,
Directorate of Medical Education,
Ananda Rao Circle,
Bangalore.

Sir,

Sub: Fees to be collected from Ms. Bhanu C Ramachandran, admitted to MBBS Course through CET-reg.

*Ref: Letter No. 05/FM/BOI/2021/CRO-200
Dated: 06.07.2021 by Foreign
Regional Registration Office,
Government of India.*

With reference to the above, Foreign Regional Registration Officer, Bureau of Immigration, Government of India, vide letter cited above has stated that Mrs. Bhanu C Ramachandran, D/o N.Ramachandran, USA National, Holder of USA Passport No. 720554496, Foreign student, had taken admission for MBBS Course (Course period 2055-2019) through CET as an Indian student. It is further instructed in the said letter to recover NRI/Foreign National Fee from the said student. A copy of the above mentioned letter is enclosed herewith for your reference.

The above matter is brought to your notice for guidance in this regard.

Thanking you."

(Emphasis added)

The reply is pellucid. It indicates that the petitioner took admission for MBBS course through CET as an Indian student and the instruction to recover NRI Foreign National fee from the said student is communicated to the Directorate of Medical Education by the Institute. The Bureau of Immigration also communicates to the Karnataka Examinations Authority seeking its reply. The communication dated 11-08-2021 reads as follows:

*"To,
The Executive Director,
Karnataka Examinations Authority,
Malleswaram,
Bengaluru-560 012.*

Sir,

Sub: Ms. Bhanu C Chandran, a US national, obtained MBBS seat through CET on Indian quota by not disclosing her US nationality.

Ms. Bhanu C Chandran, a US national, on clearing CET obtained MBBS admission on Indian quota at Mandya Institute of Medical Sciences Bengaluru for the Course period OCT 2015-OCT-2019. Further, it is learnt that she has pursued her course as an Indian national by not disclosing her US nationality and there by violated the visa norms."

(Emphasis added)

The consumption of time in correspondences from one office to the other, the exit permit of the petitioner was not issued, and US

passport of the petitioner also has expired. In that light the petitioner is before this Court.

10. The contention of the learned counsel for petitioner is that, the petitioner is a deemed citizen of this country by descent in terms of the Citizenship Act, 1955. To consider that, certain provisions of Citizenship Act, 1955 require to be noticed. Section 3 onwards upto Section 7 of the Act, deal with acquisition of citizenship. The contention of the petitioner is that, she is to be declared a citizen by descent, therefore, what is germane to be noticed is Section 4 of the Act, it runs as follows:

"4. Citizenship by descent.—(1) *A person born outside India shall be a citizen of India by descent,—*

- (a) *on or after the 26th day of January, 1950, but before the 10th day of December, 1992, if his father is a citizen of India at the time of his birth; or*
- (b) *on or after the 10th day of December, 1992, if either of his parents is a citizen of India at the time of his birth:*

Provided that if the father of a person referred to in clause (a) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section unless—

- (a) ***his birth is registered at an Indian consulate within one year of its occurrence or the commencement of this Act, whichever is later,***

or, with the permission of the Central Government, after the expiry of the said period; or

- (b) *his father is, at the time of his birth, in service under a Government in India:*

Provided further that if either of the parents of a person referred to in clause (b) was a citizen of India by descent only, that person shall not be a citizen of India by virtue of this section, unless—

- (a) *his birth is registered at an Indian consulate within one year of its occurrence or on or after the 10th day of December, 1992, whichever is later, or, with the permission of the Central Government, after the expiry of the said period; or*
- (b) *either of his parents is, at the time of his birth, in service under a Government in India:*

Provided also that on or after the commencement of the Citizenship (Amendment) Act, 2003, a person shall not be a citizen of India by virtue of this section, unless his birth is registered at an Indian consulate in such form and in such manner, as may be prescribed,—

- (i) ***within one year of its occurrence or the commencement of the Citizenship (Amendment) Act, 2003, whichever is later; or***
- (ii) *with the permission of the Central Government, after the expiry of the said period:*

Provided also that no such birth shall be registered unless the parents of such person declare, in such form and in such manner as may be prescribed, that the minor does not hold the passport of another country.

(1-A) A minor who is a citizen of India by virtue of this section and is also a citizen of any other country shall cease to be a citizen of India if he does not renounce the

citizenship or nationality of another country within six months of attaining full age.

(2) If the Central Government so directs, a birth shall be deemed for the purposes of this section to have been registered with its permission, notwithstanding that its permission was not obtained before the registration.

(3) For the purposes of the proviso to sub-section (1), any person born outside undivided India who was, or was deemed to be, a citizen of India at the commencement of the Constitution shall be deemed to be a citizen of India by descent only."

(Emphasis supplied)

Section 4(1-A) depicts that a minor who is a citizen of India by virtue of Section 4 and is also a citizen of any other country shall cease to be citizen of India, if he or she would not renounce citizenship or nationality of another country, within six months of attaining full age. The attainment of full age would mean becoming a Major. Therefore, in terms of the afore-quoted mandate of the statute, though the petitioner is born outside India cannot be conferred citizenship by descent as she has not renounced the citizenship of the USA within six months as mandated under the statute.

11. It is not in dispute that the petitioner attained majority on 05-02-2015. Six months thereafter would expire on 04-08-2015. The petitioner did not renounce citizenship of USA, for her to be declared to be a deemed citizen of this country by descent in terms of Section 4 (1-A) *supra*. The petitioner having no legal right / citizenship to stay in the country does not make any effort to continue the career in the country but applies for re-issuance of passport by the USA contending that she was born in USA; she was a citizen of USA and her passport had expired. The US Consulate General, Chennai issues a passport to the petitioner for a period of one year to enable her to move out of the country and secure regular passport in USA. Exit permit is refused. Refusal of exit permit is due to unauthorized stay of the petitioner in this country. The unauthorized stay is after expiry of six months on 17-12-2003 as being a minor with US passport she could stay on that Visa only until the said date.

12. What is reprehensible is that, the petitioner throughout has projected herself to be an Indian, on such projection, completes her second year Pre-University course, applies for CET-2015,

secures admission under a Government quota as an Indian, thus takes away the seat of a genuine Indian who would have secured the said seat under the Government quota, pursued the career on the qualification so acquired. The petitioner does not stop at that, on her desire to continue higher education and settle down in the US on a basic qualification of MBBS acquired in this country, on the strength of the aforesaid falsehood, gets her passport of the US renewed/reissued. The petitioner now seeks to project that she is deemed to be a citizen of this country and in the same breath, seeks citizenship of US on the ground that she was never a citizen of this country. In no manner under the Act, the petitioner can claim to be a citizen of this country either by descent or domicile as she comes into the country on a tourist Visa, therefore, the stay of the petitioner is on the face of it, unauthorised. Action ought to have been initiated against the petitioner under the Foreigners Act, 1946. Section 14 of the Foreigners Act deals with penalty for contravention of the provisions of the Act, and it runs as follows:

"14. Penalty for contravention of provisions of the Act, etc.—Whoever—

- (a) remains in any area in India for a period exceeding the period for which the visa was issued to him;**
- (b) does any act in violation of the conditions of the valid visa issued to him for his entry and stay in India or any part thereunder;**
- (c) *contravenes the provisions of this Act or of any order made thereunder or any direction given in pursuance of this Act or such order for which no specific punishment is provided under this Act,*

shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine; and if he has entered into a bond in pursuance of clause (f) of sub-section (2) of Section 3, his bond shall be forfeited, and any person bound thereby shall pay the penalty thereof or show cause to the satisfaction of the convicting court why such penalty should not be paid by him.

Explanation.—For the purposes of this section, the expression "visa" shall have the same meaning as assigned to it under the Passport (Entry into India) Rules, 1950 made under the Passport (Entry into India) Act, 1920 (34 of 1920)."

(Emphasis supplied)

Section 14 deals with penalty for contravention of the provisions of the Act. Whoever remains in India for the period exceeding the period for which the Visa was issued, his/her stay would be contravening the provisions of the Act, which would incur a penalty. No citizen who is not a citizen of this country can be permitted to stay in the country beyond the period indicated in the Visa except,

with express approval of respondent Nos.1 and 3 or any other exceptional circumstances bringing it to the notice of the authorities. No flexibility can be shown *qua* Section 4 of the Citizenship Act or Section 14 of the Foreigners Act, as any flexibility would lead to tourists or immigrants overstaying in the country, which would sometimes become detrimental to the nation. Therefore, the respondents would be well within the four corners of law to initiate any proceedings against the petitioner.

13. The petitioner has shamelessly resorted to falsehood and achieved her goals by unethical means as indicated hereinabove. Curious enough, the petitioner is not even wanting to pursue her career in this country, having secured benefits throughout her career contending that she is an Indian. But she is a student, who would not be aware of the consequences of law or consequences of the aforesaid breach and falsehood. Therefore, this Court would direct the respondents – the Union of India and the Bureau of Immigration, to hold their coercive arm of law to be stretched upon the petitioner in the peculiar facts of this case, subject to the condition that the petitioner would pay all the fees, for all the five

years of the MBBS course at the rate of the fee that would be charged to NRI/overseas citizen of India treating the petitioner's admission to be in that category and the fee to be paid to the State, taking a lenient view of the matter. Therefore, the exit permit is directed to be issued subject to the aforesaid condition, all, again, owing to peculiar facts of the case and the conduct of the petitioner misrepresenting herself to be an Indian, snatching away the career of an Indian. In the aforesaid circumstances, if the petitioner is left off the hook without any condition, it would be putting a premium on the misrepresentation that she has made throughout calling herself to be an "Indian Citizen".

14. For the following reasons, I pass the following:

ORDER

- (i) Writ Petition is allowed in part.
- (ii) The respondent Nos.1 and 3 shall issue exit permit subject to the following conditions:
 - a. The Petitioner shall **pay* the entire fee for the course - MBBS course in terms of what is observed in the course of the order.

**Corrected vide Chamber order dated 18.03.2023.*

- b. A No Objection certificate from the Institution / Government be taken after paying the said fee and the same be produced before the respondent Nos.1 and 3.
 - c. The respondent Nos.1 and 3 on the aforesaid compliance shall issue exit permit to the petitioner, without brooking any delay.
- (iii) If the aforesaid conditions are not fulfilled, no exit permit shall be issued to the petitioner and the respondent Nos.1 and 3 will be at liberty to initiate proceedings against the petitioner in accordance with law.

**Sd/-
JUDGE**

bkp
CT:MJ