

GAHC010030182024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/760/2024

RITU KUMAWAT
DAUGHTER OF DR. VINOD BIHARI KUMAWAT, RESIDENT OF GMC GIRLS
HOSTEL NO.3, NARKASUR HILL, BHANGAGARH, GUWAHATI, ASSAM

VERSUS

ASSAM COUNCIL OF MEDICAL REGISTRATION AND 3 ORS
REPRESENTED BY ITS REGISTRAR, KHANAPARA GUWAHATI- 781022,
ASSAM

2:DIRECTOR OF MEDICAL EDUCATION
KHANAPARA
GUWAHATI- 781022
ASSAM

3:NATIONAL HEALTH MISSION
ASSAM
REPRESENTED BY ITS EXECUTIVE DIRECTOR
SAIKIA COMMERCIAL COMPLEX
SRINAGAR PATH
GS RD
CHRISTIAN BASTI
GUWAHATI
ASSAM 781005

4:NATIONAL MEDICAL COMMISSION
REPRESENTED BY ITS SECRETARY
POCKET 14
SECTOR-8
DWARKA
PHASE-I
NEW DELHI- 110077

INDI

Advocate for the Petitioner : MS P AGARWAL, MS. N CHOUDHURY,MR. B J DAS

Advocate for the Respondent : SC, HEALTH, MR. D K BAIDYA (SC, NMC)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

18-09-2024

Heard Dr. (Ms) P. Agarwal, learned counsel for the petitioner. Also heard Shri D. Upamanyu, learned Standing Counsel, Health Department for respondent nos. 1 & 2, Shri M. Bhuyan, learned counsel appearing for the respondent no. 3-Health Department whereas Shri D. K. Baidya, learned Standing Counsel NMC for respondent no. 4.

2. Considering the subject matter involved and the instructions received as well as the urgency expressed, the writ petition is taken up for disposal at the admission stage.

3. The facts, as projected is that the petitioner had passed her Senior Secondary Certificate Examination on 28.05.2014 with the following subjects: English Core, Mathematics, Physics, Chemistry, Physical Education, Work Experience, Physical & Health Education and General Studies from the Sharda Vidya Mandir, Ambabari, Jaipur in the State of Rajasthan. Subsequently, she had appeared as a private candidate for Biology as an additional subject so that she could opt for Medical Examinations. On 06.05.2018, he had appeared in the NEET-UG Examination and in the results declared on 04.06.2018, she was held to be successful. The petitioner had accordingly secured a seat in the Gauhati

Medical College and had pursued her MBBS which she had completed in March, 2023. The grievance of the petitioner is however relating to a denial of provisional registration by the respondent no. 1 on the alleged ground that the petitioner had studied Biology as a private student after passing the Class-12th examination.

4. Dr. Agarwal, the learned counsel for the petitioner has referred to a public notice dated 22.11.2023 issued by the National Medical Commission whereby it has been laid down that if the required subjects for pursuing MBBS is studied even after the Class 12th examination, the candidates would be permitted to appear in the NEET-UG and also be eligible for grant of eligibility certificate. It is submitted that in view of such clarification, it would not lie upon the authorities to deny the provisional registration. It is also submitted that such registration is not only necessary for the one year rural service but also for undergoing higher studies in the said field.

5. The learned counsel has, in her course of argument referred to an order dated 01.05.2024 in this proceedings wherein the submissions of the learned counsel for the NMC as well as the Health Department have been recorded. It is submitted that though the petitioner had participated in the NEET PG Examination, she was not successful and for appearing for a PG Course under the AIIMS or any other institute, in absence of the provisional registration, the petitioner would be deprived of such opportunity.

6. Shri Baidya, the learned counsel for the NMC has submitted that instructions have been received. By placing on record a copy of an e-mail, it is submitted that the petitioner having Biology as an additional subject and

subsequent attainment of an MBBS Degree in the year 2023 via the NEET Examination, 2018 the registration is confirmed. It is also stated that the same aligns with the Public Notification of the UGMEB dated 22.11.2023.

7. Shri Bhuyan, the learned counsel representing the Health Department has referred to the submissions made on 01.05.2024 wherein the said public notification dated 22.11.2023 has been referred to.

8. When the matter was taken up for consideration on 01.05.2024, the submissions made on behalf of the NMC and the Health Department were recorded which are as follows:-

“Mr. D. K. Baidya, learned Standing Counsel for the NMC, has placed on record an instruction received by him, under which, it has been held that the petitioner having completed her HLSC examination with Biology as an additional subject and thereafter, had completed the MBBS Degree in the year 2023, having been admitted thereto vide the NEET-UG Examination 2018, the registration of the petitioner is complete in all respects. Such determination was said to be in alignment with the prescription contained in the public notification issued by Director, UGMEB on 22.11.2023.

Mr. B. Gogoi, learned Standing Counsel for the Health Department, submits that the steps taken against the petitioner was so taken in terms of the prescription as contained in the said public notification dated 22.11.2023. He further submits that the NMC having clarified that the registration of the petitioner being completed and is tune with the public notification dated 22.11.2023, the petitioner is entitled to be issued with a Provisional Registration by the Assam Counsel of Medical Registration.”

9. The instructions which has been received and placed on record by Shri Baidya, the learned Standing Counsel, NMC would clarify that the registration

after attaining the MBBS Degree in the year 2023 via the NEET Examination is confirmed.

10. In view of such clarification by the NMC, this Court is of the opinion that the impediment which was expressed by the impugned order dated 01.02.2024 issued by the Registrar of Assam Council of Medical Registration would no longer exist. The authorities more particularly the respondent no. 1 is accordingly directed to provide provisional registration to the petitioner expeditiously and without any delay as she is aspirant to appear for the Post Graduate Degree conducted by other institutions including the AIIMS. Such provisional registration be done within a period of 10 (ten) days from today.

11. The copy of the E-mail dated 29.04.2024 is made part of the records.

JUDGE

Comparing Assistant