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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2650/2017**

RAM LAL SHARMA Petitioner
Through: Mr.Ashish Kumar, Adv.

versus

UNION OF INDIA & ORS Respondents
Through: Mr.Abhishek Khanna, GP, R-1/UOI
Mr.T.Singhdev, Ms.Biakthansangi, Advs. for R-2

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **29.03.2017**

The present petition has been filed by the petitioner with the following prayers:-

*“(a) Issue a writ of mandamus or a writ, order or direction in the nature of writ of mandamus directing the respondents to provide 30% incentive marks on the marks obtained in NEET to the petitioner for admission to MD/MS/PG Diploma Courses in All India merit list;
(b) Pass such other and further orders as it may deem fit and proper in the facts and circumstances of the case.”*

Mr.T.Singhdev, Advocate appearing for the respondent no.2 would submit that the petitioner is not entitled to the relief as prayed for, as the petitioner has not qualified to participate in the online All India 50% Counselling inasmuch as in terms of sub clause III of Regulation 9 of the

Post Graduate Medical Education Regulation, 2000 he has not obtained minimum marks of 50th percentile in National Eligibility cum Entrance Test for Post Graduate Courses. The sub clause III of Regulation 9 of Regulations, 2000 reads as under:-

“III. In order to be eligible for admission to any postgraduate course in a particular academic year, it shall be necessary for a candidate to obtain minimum of marks at 50th percentile in ‘National Eligibility-cum-Entrance Test for Postgraduate courses’ held for the said academic year. However, in respect of candidates belonging to Scheduled Castes, Scheduled Tribes, other Backward Classes, the minimum marks shall be at 40th percentile in disability of lower limbs, the minimum marks shall be at 45th percentile. The percentile shall be determined on the basis of highest marks secured in the All India common merit list in ‘National Eligibility-cum-Entrance Test’ for Postgraduate courses.

Provided when sufficient number of candidates in the respective categories fail to secure minimum marks as prescribed in National Eligibility-cum-Entrance Test held for any academic year for admission to Post Graduate Courses, the Central Government in consultation with Medical Council of India may at its discretion lower the minimum marks required for admission to Post Graduate Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the said academic year only.”

He also states, the benefit of 30% incentive marks as being sought by the petitioner can only be granted if he had qualified in terms of sub clause III of Regulation 9 as referred to above.

I agree with the submissions made by Mr.T.Singhdev. The petitioner has not challenged his disqualification. I do not see any merit in the petition

and the same is dismissed.

CM 11500/2017

Dismissed as infructuous.

V. KAMESWAR RAO, J

MARCH 29, 2017
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