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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 2239 of 2018**

Ankit Singh S/o Shri Anil Singh Aged About 18 Years R/o Mission Compound, St. Paul Church Campus, Behind Salem School, Civil Lines, Raipur- 492001, Chhattisgarh.

**---- Petitioner****Versus**

1. Medical Council Of India Through Secretary Medical Council Of India, Pocket-14, Sector-8, Dwarka Phase-1, New Delhi-110077.
2. Medical Council Of India Through Assistant Secretary Medical Council Of India, Pocket- 14, Sector-8, Dwarka Phase-1, New Delhi-110077.

**---- Respondents**


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| For Petitioner  | : Shri Anmol Sharma, Advocate.        |
| For Respondents | : Shri Ranbir Singh Marhas, Advocate. |

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**Hon'ble Shri Ajay Kumar Tripathi, Chief Justice**  
**Hon'ble Shri Parth Prateem Sahu, Judge**

**Order on Board****22/11/2018****Per Ajay Kumar Tripathi, Chief Justice**

1. Petitioner filed a writ application when the Medical Council of India (hereinafter referred to as 'MCI') refused to grant him eligibility certificate under Section 13(4B) of the Indian Medical Council Act, 1956 and the Regulations related thereto. The communication from the MCI to the Petitioner is dated 19.01.2018 wherein after quoting the various requirements of the MCI Act and Regulations, especially the Eligibility Requirement for taking admission in an undergraduate medical course in a Foreign University Medical Institution Regulation, 2002 (hereinafter referred to as 'Eligibility Regulation, 2002') has laid down that a person with less than 50% marks in aggregate in physics, chemistry and biology at 10+2 level, are not eligible for grant of eligibility certificate.
2. Admitted position is that the Petitioner is studying at Tentishev Satlumbay Memorial Asian Medical Institute, Kyrgyzstan. While pursuing his studies in the second year, he applied for the eligibility certificate, which has been rejected vide Annexure P/1 dated 19.01.2018.

3. The MCI was directed to file their response which they have, where they taken a stand that the Petitioner had proceeded to join institution in question without obtaining an eligibility certificate in terms of Eligibility Regulation 2002 and the same cannot be granted to him, because to maintain the standards of medical education, Regulations are in place and the minimum eligibility laid down for a candidate to pursue MBBS course even abroad is 50% in the 10+2 examination in physics, chemistry and biology as an aggregate for a general candidate.
4. We have been through the Regulation. Since the Regulation does not talk in terms of any kind of concession to be granted to such candidates by either lowering the minimum eligibility or award of any kind of grace marks to round up the percentage to make it into 50%, there is difficulty in reaching out to the Petitioner by interfering with the order impugned contained in Annexure P/1.
5. The return of the MCI also highlights various decisions which have been rendered by the Hon'ble Apex Court from time to time. Attention of the Court has been drawn to the case of ***Dr. Preeti Shrivastava v. State of Madhya Pradesh and Others*** reported in ***(1999) 7 SCC 120*** where the Hon'ble Apex Court has harped on the maintenance of standards of medical education and such view has been the consistent view of the Apex Court from time to time in various cases.
6. Since the Medical Council of India is the Regulatory Body and saddled with the responsibility of maintaining the standards of the medical education and they are bound by the statutory Regulations in this regard. Non-fulfillment of the eligibility is the reason for rejection of the prayer of the Petitioner. The said decision cannot be said to be in any manner either irrational, arbitrary or contrary to law.
7. Writ application has no merit. It is dismissed.

Sd/-  
(Ajay Kumar Tripathi)  
**CHIEF JUSTICE**

Sd/-  
(Parth Prateem Sahu)  
**JUDGE**