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

CM No.23682/2018 in
+ W.P.(C) 5586/2018

DR MOHINDER KUMAR Petitioner

Through : Petitioner in person

versus

PRIME MINISTER OFFICE THR UNDER SECTRETARY AND
ORS Respondents

Through : Mr.Anil Soni, CGSC with
Mr.Abhinav Tyagi, Adv. for
R-1&2

Mr.T.Singhdev,
Ms.Manpreet Kaur,
Ms.Puja Sarkar,
Ms.Biakthan Sangi Das and
Mr.Tarun Verma, Advs. for
R-3/MCI
Mr.Kirtiman and Mr.Waize
Ali Noor, Advs. for R-
4/NBE

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

% **30.05.2018**

1. This writ petition claims to have been filed by Dr. Mohinder Kumar, a Professor of Surgery in the medical college, M.M. University Campus, Mullana, Ambala. The writ petition makes bald allegations of corruption and challenges the orders passed by the Ministry of Health and Family Welfare (hereinafter referred to

as “the Ministry”) whereby the Ministry has exercised the discretion to lower the minimum marks required by candidates.

2. The writ petition does not disclose any legally tenable ground on which such a decision can be challenged.

3. Appearing on advance notice Mr. T. Singhdev, learned counsel for the Medical College has brought our attention to the notification dated 5th April, 2018 whereby the Post Graduate Medical Education Regulations, 2000 were amended. By virtue thereof, Regulation 9(3) which prescribes the procedure for selection for post graduate courses stands amended. The *proviso* to Regulation 9(3), which has been incorporated, reads as under:

“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 Postgraduate Courses, the Central Government in consultation with Medical Council of India may at its discretion lower the minimum marks required for admission to the Post Graduate Course for candidates belonging to respective categories and marks so lowered by the Central Government shall be applicable for the academic year only.”

4. We are informed that the prestigious National Eligibility-cum-Entrance Test (NEET)- Post Graduate Examination is conducted by the National Board of Examination (NBE) under orders of the Supreme Court of India. NEET-PG-2018 was conducted by NBE on 17th January, 2018 on an all India basis, in

150 cities, on a computer based platform in which 1,28,917 candidates appeared. The result was prepared on the basis of the performance of the candidates on the exam date itself. The result of NEET-PG, 2018 stands declared by NBE on the 23rd January, 2018.

5. Pursuant to the said examination, counselling commenced on 6th of March, 2018 during which it was observed that number of candidates who were opting for PG Courses was insufficient and there would be large scale wastage of post graduate seats in medical colleges.

6. In view thereof, based on the recommendations of the Medical Council of India, a decision was taken by the concerned Ministry on 27th April, 2018 to lower the criteria by 15 percentile in all categories so as to ensure that no seats in the post graduate medical courses remain vacant.

7. We may note that there is not a single factual averment as to what was wrong with the decision of lowering the percentile which was taken by the Ministry on the recommendations of the Medical Council of India. Other than making a bald allegation of corruption against authorities without any specific details, the writ petition does not disclose any ground on which the decision of the Government can be challenged.

8. We also find that the writ petitioner has made highly intemperate allegations without laying on the factual background in the representation dated 7th May, 2018 annexed as Annexure P-2 as

well as in the writ petition.

9. We also find that on the basis of the intemperate assertions made in the representation dated 7th May, 2018, the writ petitioner arrays the Prime Minister's Office as respondent No.1. Admittedly, the Prime Minister's Office has no role in the matter at all so far as the decision-making is concerned. Such practice must be deprecated.

10. The present writ petition is not bonafide. The present writ petition and the applications stand dismissed.

ACTING CHIEF JUSTICE

C.HARI SHANKAR, J

MAY 30, 2018/rk